



NAVAL POSTGRADUATE SCHOOL

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THESIS

**KILLING BARNEY FIFE: LAW ENFORCEMENT'S
SOCIALY CONSTRUCTED PERCEPTION OF
VIOLENCE AND ITS INFLUENCE ON POLICE
MILITARIZATION**

by

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September 2015

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CONSTRUCTED PERCEPTION OF VIOLENCE AND ITS INFLUENCE ON
POLICE MILITARIZATION**

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ABSTRACT

Police militarization is a complex subject with significant homeland security implications. Efforts to implement militarization reform without a clear understanding of the issue could negatively impact law enforcement's ability to respond to emerging threats from terrorism, homegrown violent extremism, and armed criminals. Conversely, unfettered militarization of domestic policing could result in abuse of authority and loss of public confidence. This thesis proposes a nuanced definition of police militarization based on existing literature. The research then examines the correlation between violence and police militarization. A statistical analysis of crime data found an inverse relationship between levels of reported violence and militarization. However, the research discovered a strong nexus between perceptions of violence by the police and efforts to militarize. Social identity theory was used to explain why isolated acts of violence against police officers are perceived as attacks on the law enforcement community and lead to deep social divisions between the police and the public. This socially constructed reality of violence, which is reinforced by the media and training, has a powerful effect on police attitudes and behavior. The conclusion is that police militarization has been influenced by violence, and appropriate levels of militarized capabilities are needed to protect both the police and the public.

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|-------|---|
| BJS | Bureau of Justice Services |
| COPS | Community Oriented Policing Services |
| DHS | Department of Homeland Security |
| DOD | Department of Defense |
| DOJ | Department of Justice |
| EO | executive order |
| ERT | emergency response teams |
| FBI | Federal Bureau of Investigation |
| GIGN | Gendarmerie Nationale Intervention Group |
| HGVE | homegrown violent extremism |
| LAPD | Los Angeles Police Department |
| LEA | law enforcement agency |
| LEOKA | law enforcement officers killed and assaulted |
| LODD | line of duty death |
| NCVS | National Crime Victimization Survey |
| NYPD | New York Police Department |
| PPU | paramilitary police unit |
| SPG | special weapons groups |
| SWAT | special weapons and tactics |
| UCR | Uniform Crime Reporting |

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EXECUTIVE SUMMARY

At various times in American history, the topic of police militarization has surfaced. The most recent event to spark debate about the issue was the August 9, 2014, shooting of Michael Brown in Ferguson, Missouri. The media portrayal of the aggressive police response to the civil disobedience and rioting that followed the exoneration of the involved police officer resulted in a harsh critique of police equipment and tactics. The immediate response was a call for reform despite the lack of any clear definition of what constituted police militarization or an understanding of what has caused it.

Police militarization is a complicated issue influenced by many interconnected factors. The primary goal of this thesis is to determine the correlation between violence and police militarization. This relationship is an important aspect of the militarization debate because critics and supporters both refer to levels of violence to justify their positions. Critics of police militarization argue that levels of violence are decreasing and the dangers of policing are at all-time lows, therefore negating the need to accumulate military-style weapons and equipment. Proponents argue that some degree of police militarization is necessary to combat emerging threats of violence from terrorists, homegrown violent extremists, and armed criminals. Due to the controversy surrounding the topic, policy makers have begun to draft legislation to limit certain aspects of police militarization. However, implementing any type of militarization reform without a fundamental understanding of the issue could have unintended consequences that may negatively impact the police and the public.

To frame the research properly, it is necessary to define police militarization and clearly distinguish it from other issues facing law enforcement, such as race relations and the use of deadly and/or excessive force. Much of the existing literature simply acknowledges that police militarization exists and focuses its critique on certain aspects of the issue, such as weapons, equipment, and paramilitary police units (e.g., special weapons and tactics [SWAT] teams).

By reviewing the existing literature on the topic, and applying some generally accepted key terms, a nuanced definition of police militarization was developed. Based on this analysis, police militarization is defined as the adoption of military-style equipment, tactics, and/or policies that leverage force, or the threat of force, as the primary means to achieve a law enforcement agency's goals.

This definition makes the use or threat of force the key element of police militarization, not equipment, which is a key distinction because much of the modern debate has focused on military surplus equipment. For example, the use of armored personnel carriers by the police has been cited as an indicator of police militarization despite the fact that its purpose is to protect both police officers and the public from harm during armed conflict.

It is also important to consider that under the decentralized system of policing utilized in the United States, the adoption of police militarization as a systemic methodology is unlikely. Rather, militarized police responses are typically employed as needed to mitigate specific violent incidents, such as active shooter and hostage/barricade situations. Such violent incidents typically necessitate a more aggressive response to minimize the impact of these high consequence events.

The research then focused on the correlation between violence and police militarization. The research began with a detailed statistical analysis of national crime data from 1987–2015. The specific time frame was chosen because it corresponded with documented increases in police militarization during the “war on drugs” in the 1980s, the “war on crime” in the 1990s, and the “war on terror” in the 2000s. The following data sets were analyzed.

- law enforcement line of duty deaths from felonious acts
- felonious assaults on law enforcement
- ambush attacks against law enforcement
- violent crime rates
- active shooter incidents

The analysis revealed that each of these categories of violent crime experienced a decline during the time frame examined with the exception of active shooter incidents and ambush deaths. However, the analysis also showed significant problems with interpreting the data. First, the statistics are a reflection of reported crime. A significant difference appears to exist in reported crime rates as found in the FBI Uniform Crime Reports (UCR) and other measures of crime, such as the National Crime Victimization Survey (NCVS). This difference indicates that a significant number of violent crimes may go unreported. Second, the national aggregate data is not representative of the violent crime rates in many communities. Many cities were experiencing significant increases in violent crime during the period of time studied.

Despite data indicating that violent crime rates were generally declining, many in the law enforcement community claimed their accumulation of military equipment and tactics were a response to escalating rates of violent crime. Examining this contradiction led to the most significant finding of this research project. By applying social identity theory to law enforcement as a distinct in-group, it was discovered that perceptions of violence by police officers are not solely contingent upon crime data. Rather, police officers develop a socially constructed perception of violence that is strongly influenced by a number of factors including their personal and vicarious experiences, as well as their training and media portrayals of violence incidents.

Social identity theory also offers an explanation for law enforcement's efforts to militarize. The theory posits that human beings have an innate desire to belong to distinct groups with positive identities. Research shows that police officers develop very strong social identities through a process of social categorization. This process causes members of the in-group to enhance their status by exaggerating differences in those outside the in-group. The distinctiveness of the police identity is strengthened by the uncertainty involved in their work and the power of their collective experience. As a result of law enforcement's strong group identity, any incident of violence directed at an

individual police officer is often viewed as an attack on the entire in-group. This ever expanding collection of negative experiences enhances feelings of vulnerability and uncertainty, which can result in behavior that appears disproportionate to the actual threat.

By understanding how social identity affects law enforcement's perception of violence, it can be seen that police militarization is at least partially a response to the threat of violence as perceived by those in law enforcement and is not based on the actual threat of violence in a particular community.

The conclusion reached in this thesis is that uninformed or misguided efforts at police militarization reform could actually make the police and public less safe and further erode relations between the two. Increasing law enforcement's perception of vulnerability by limiting access to the tools and tactics they need to protect themselves and effectively respond to acts of violence, will cause the police to distance themselves further from the community. This perceived vulnerability could result in the unnecessary escalation of ambiguous incidents by police due to their enhanced communal perception of violence.

The fact is, extreme acts of violence will continue to occur in the United States. Despite arguments to the contrary, the technology, equipment, and tactics employed by the military are often the most effective at enabling law enforcement to accomplish their mission in the safest and most efficient manner possible. The challenge for policy makers and law enforcement leaders is to implement police militarization reform that reduces law enforcement's perception of vulnerability and fosters a strong sense of respect and confidence by the public.

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I. INTRODUCTION

At various times in American history, the topic of police militarization has surfaced, usually the result of law enforcement's response to a social movement or significant public event. For example, the civil rights movement, the war on drugs, and the war on terrorism, all led to discussions about police militarization.¹ The current debate about the topic began with the 2014 shooting of Michael Brown by police in Ferguson, Missouri. Law enforcement's response to the rioting that followed the exoneration of the involved police officer immediately came under scrutiny as pictures of rifle carrying officers in battle dress uniforms, silhouetted by menacing looking armored vehicles, surfaced in the media.² These images and their shock-inspired headlines painted an ominous picture of modern policing.

Since Ferguson, a seemingly endless series of high profile and controversial incidents have occurred that involved the application of force by police officers. These incidents have triggered a national debate about the use of military equipment and tactics by law enforcement. Unfortunately, little effort has been made to define police militarization or offer any explanation as to why it has occurred.

A. PROBLEM STATEMENT

The issue of police militarization has become a polarizing topic. Critics argue that police militarization leads to abuses of authority and a subtle shift towards a "police state."³ Much of the current focus has been on the Department of Defense (DOD) 1033 Program, which allows the transfer of military surplus

¹ Peter B. Kraska, "Militarization and Policing—Its Relevance to 21st Century Police," *Policing* 1, no. 4 (November 7, 2007): 505, doi:10.1093/police/pam065.

² "How America's Police Became an Army: The 1033 Program," *Newsweek*, August 13, 2014, <http://www.newsweek.com/how-americas-police-became-army-1033-program-264537>.

³ John Whitehead and Nat Hentoff, *A Government of Wolves: The Emerging American Police State* (New York: SelectBooks, 2013), 23–30.

equipment to law enforcement agencies. Since 1997, the Defense Logistics Agency has transferred hundreds of millions of dollars worth of unused military equipment to police agencies across the United States (U.S.).⁴ Opponents argue that this equipment has been unnecessary and inappropriate for use by law enforcement, despite the fact that much of the equipment obtained through the DOD 1033 Program has no nexus to combat.⁵

The debate surrounding the topic of police militarization has primarily focused on the issue of violence. Selective use of violent crime statistics by both supporters and critics of police militarization have added to the confusion surrounding the issue. For example, some critics argue that policing is actually less dangerous than ever; therefore, negating the need for any military equipment.⁶ They also argue that the military equipment obtained under the guise of violence has promoted the adoption of military tactics, which endanger the public and erode civil liberties. Numerous examples of alleged abuses by police agencies are cited by the ACLU in its June 2014 publication entitled “War Comes Home—The Excessive Militarization of American Policing.”⁷ The political response has been in the form of legislation, which would prevent federal, state, and local police from receiving broad categories of military-grade equipment, and in some cases, require equipment already received and in use to be returned.⁸

⁴ Justin Bachman, “A Federal Effort to Reuse Military Gear Turned Cops into Commandos,” *BusinessWeek: Politics_and_policy*, August 14, 2014, <http://www.businessweek.com/articles/2014-08-14/ferguson-shooting-how-military-gear-ended-up-with-local-police>.

⁵ Executive Office of the President, *Review: Federal Support for Local Law Enforcement Equipment Acquisition* (Washington, DC: The White House, 2014), 3, http://www.whitehouse.gov/sites/default/files/docs/federal_support_for_local_law_enforcement_equipment_acquisition.pdf.

⁶ Radley Balko, “Five Myths about America’s Police,” *Washington Post*, December 5, 2014, http://www.washingtonpost.com/opinions/five-myths-about-americas-police/2014/12/05/35b1af44-7bcd-11e4-9a27-6fdb612bff8_story.html.

⁷ Kara Dansky, “War Comes Home: The Excessive Militarization of American Policing,” American Civil Liberties Union, June 2014, <https://www.aclu.org/war-comes-home-excessive-militarization-american-policing>.

⁸ Evan Perez, “First Post-Ferguson Legislation Aims to Curb Police ‘Militarization,’” *CNN*, September 19, 2014, <http://www.cnn.com/2014/09/19/politics/coburn-bill-police-militarization/index.html>.

Other critics argue that the most significant effect of militarization has been on police culture. They claim that militarization has promoted an overly aggressive form of policing that embraces force as the primary means to solve social problems, encourages the use of unnecessary and excessive force, and teaches officers to treat citizens as enemies.⁹

Supporters believe that some degree of police militarization has been necessary for law enforcement to combat emerging threats from terrorism, homegrown violent extremism, and attacks by heavily armed violent criminals.¹⁰ They argue police have been forced to use military-style weapons and protective equipment to keep pace with an ever-changing adversary.¹¹

The potential ramifications of the police militarization debate are substantial. At one end of the spectrum, policies addressing militarization could render the police ineffective at protecting the public or themselves from numerous emerging threats. At the other end of the spectrum, unfettered militarized police activity could severely erode civil liberties and result in a significant loss of public support and funding.

The effectiveness of the police is largely dependent upon public support and that support is contingent upon the public's view that the police are exercising their authority in a legitimate manner.¹² Constant scrutiny is necessary, as police are given such an extraordinary amount of authority. The issue of police militarization must be properly analyzed to ensure law enforcement retains its legitimacy and public support.

⁹ Radley Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces*, 1st Trade Paper edition (New York: PublicAffairs, 2014).

¹⁰ "The Justified 'Militarization' of America's Police," August 25, 2014, <http://chiefsview.com/2014/08/25/the-justified-militarization-of-americas-police/>.

¹¹ Garth den Heyer, "Mayberry Revisited: A Review of the Influence of Police Paramilitary Units on Policing," *Policing and Society* 24, no. 3 (May 27, 2014): 346–61, doi:10.1080/10439463.2013.784304.

¹² Jason Sunshine and Tom R. Tyler, "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing," *Law & Society Review* 37, no. 3 (2003): 534–535.

B. RESEARCH QUESTION

While the effects of police militarization are being debated, little doubt remains that some degree of military influence on law enforcement has occurred.¹³ Evidence can be found in police organization/structure, tactics, technology, and equipment. What is unclear is why the police are becoming militarized and what effect it has had on policing.

Many police departments across the country have justified their acquisition of military weapons and equipment, as well as the use of paramilitary policing units (aka *special weapons and tactics* (SWAT) teams) by citing the rising level of violence police officers are now facing.¹⁴ Critics of police militarization argue that the level of violence faced by police officers has actually decreased and does not justify efforts to militarize.¹⁵ Some have argued that the tremendous amount of free military equipment being provided to law enforcement agencies have caused militarization.¹⁶ Growing evidence is also available that police training and culture are contributing to militarization. While militarization can result from many possible causes, several of which are interdependent, this research project focuses specifically on violence. The primary question this research project will answer is “Does the level of violence confronting law enforcement justify the militarization of domestic policing in the United States?”

The answer to this question is integral to the implementation of policy reforms related to police militarization. The answer is also likely to trigger many other questions equally important to consider. For example, if police militarization is not directly attributable to violence, why is it occurring? Have the police intentionally adopted a military culture or is the manner in which they are trained and indoctrinated into the profession causing this shift? Has the acquisition of

¹³ Karl Bickel, “Will the Growing Militarization of Our Police Doom Community Policing?,” *COPS Office* 6, no. 12 (December 2013), http://cops.usdoj.gov/html/dispatch/12-2013/will_the_growing_militarization_of_our_police_doom_community_policing.asp.

¹⁴ “The Justified ‘Militarization’ of America’s Police.”

¹⁵ Balko, “Five Myths about America’s Police.”

¹⁶ “How America’s Police Became an Army.”

military surplus equipment actually been the result of economic challenges facing law enforcement agencies rather than the result of tactical necessity? Perhaps police militarization is indicative of a changing law enforcement mission? While the answer to many of these questions is beyond the scope of this project, determining whether or not police militarization is being caused by violence will at least properly frame future discussion.

C. LITERATURE REVIEW

Very little academic work has been done on the subject of police militarization. This is especially true when compared to the available literature on other issues in policing such as misconduct, race relations, and the use of force, which is, perhaps, the result of confusion as to what police militarization means and what has caused it. This review examines the available literature on the topic of police militarization to establish the general body of knowledge to date.

As stated previously, the August 9, 2014 police shooting in Ferguson, Missouri reignited the police militarization debate. Media reporting of the Ferguson incident became a critique of police equipment, tactics, attitudes, and public trust. However, it was not the first time that police militarization had been a topic for discussion. Military interaction with and influence on policing has been a topic of concern in the United States since the American Revolution.¹⁷ During this era, the focus was on the use of the military for domestic security. The Founding Fathers were particularly sensitive to the oppressive effects of the “use of military force in the enforcement of civil law.”¹⁸ This sensitivity led to numerous regulations including the Posse Comitatus Act, which generally prohibited the

¹⁷ Diane Cecilia Weber, “Warrior Cops—The Ominous Growth of Paramilitarism in American Police Departments,” *CATO Institute Briefing Papers* 50 (1999): 3, <http://www.deculuslib.com/deculus/vmslt99b/net/police-and-military50.pdf>.

¹⁸ Robert Croakley, *The Role of Federal Military Forces in Domestic Disorders, 1789–1878* (Washington, DC: Center of Military History, U.S. Army, 1988), 3.

use of the military to perform civilian law enforcement functions.¹⁹ While the appropriate use of the military domestically is still debated widely, the more relevant issue recently has been the militarization of domestic law enforcement agencies. Controversy regarding police militarization was clearly seen during the waning support for the “War on Drugs” in the 1980s and 1990s, and the “War on Terror” from 2001 to present.²⁰

The literature on the subject of police militarization is broadly divided into five general categories. Each focuses on different aspects of the topic.

D. DEFINITIONS: MILITARISM, MILITARIZATION, AND PARAMILITARY

Few attempts have been made to accurately define what police militarization is. Rather, the term is often used colloquially to mean any law enforcement equipment or tactic, which resembles something that might be seen on a military battlefield.²¹ However, the literature on the subject does reveal that several generally accepted terms do exist, which play an important part in understanding the general concept of police militarization.

In his article entitled, “Militarizing American Police: The Rise and Normalization of Paramilitary Units,” Peter Kraska defines *militarism* as “a set of beliefs and values that stress the use of force and domination as appropriate means to solve problems and gain political power, while glorifying the tools to accomplish this—military power, hardware, and technology.”²² In his article entitled, “Militarization and Policing—Its Relevance to 21st Century Police,” Kraska defines *militarization* as the “implementation of the ideology, militarism. It

¹⁹ Charles Doyle and Jennifer Elsea, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law* (CRS Report No. R42659) (Washington, DC: Congressional Research Service, 2012), <http://fas.org/srg/crs/natsec/R42659.pdf>.

²⁰ Abigail R. Hall and Christopher J. Coyne, “The Militarization of U.S. Domestic Policing,” *Independent Review* 17, no. 4 (Spring 2013): 486–487.

²¹ Hall and Coyne, “The Militarization of U.S. Domestic Policing.”

²² Peter B. Kraska and Victor E. Kappeler, “Militarizing American Police: The Rise and Normalization of Paramilitary Units,” *Social Problems* 44, no. 1 (February 1, 1997): 1, doi:10.2307/3096870.

is the process of arming, organizing, planning, training for, and sometimes implementing violent conflict.”²³ Other authors on the subject have accepted Kraska’s definitions to varying degrees. Stephen Hill and Randal Berger referred to Kraska’s definitions in their article, “A Paramilitary Policing Juggernaut” and surmise that militarization is actually “a process through which police agencies adopt an increasingly martial culture, organization, material, and modus operandi.”²⁴

Tomas Weiss argues that the debate about police militarization is flawed. He acknowledges that most scholars agree the police have been militarized, but argues that “traditional definitions of military are ambiguous” and that many authors “do not even define what they understand as ‘military’ and ‘police’—unsurprisingly as there is no uncontested definition available.”²⁵ An article entitled, “War Comes Home—The Excessive Militarization of American Policing,” by Kara Dansky of the American Civil Liberties Union, does not attempt to define the term militarization, yet spends considerable effort providing evidence that militarization has occurred.²⁶ This effort occurs frequently in the literature.

Another common term that appears in much of the literature is *paramilitary*. Peter A. J. Waddington argues that the term paramilitary is misused and is therefore misleading.²⁷ Based on the contextual use of the term, many authors use the term paramilitary to mean anything resembling the military in appearance, organization, and/or tactics. Kraska, for instance, defines the term

²³ Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” 503.

²⁴ Stephen Hill and Randall Berger, “A Paramilitary Policing Juggernaut,” *Social Justice* 36, no. 1 (2009): 26.

²⁵ Tomáš Weiss, “The Blurring Border between the Police and the Military: A Debate without Foundations,” *Cooperation and Conflict* 46, no. 3 (September 1, 2011): 401, doi:10.1177/0010836711416961.

²⁶ Dansky, “War Comes Home.”

²⁷ Peter A. J. Waddington, “Swatting Police Paramilitarism: A Comment on Kraska and Paulsen,” *Policing and Society* 9, no. 2 (April 1, 1999): 127, doi:10.1080/10439463.1999.9964808.

paramilitary to mean, “forces organized after a military pattern.”²⁸ Conversely, Waddington has adopted another commonly accepted definition of paramilitary: policing on behalf of the military, such as the French Gendarmerie and Italian Carabinieri.²⁹ He goes on to state that the key difference is the degree to which paramilitary policing units “specialize in the use of a significant measure of force.”³⁰

E. EVIDENCE OF POLICE MILITARIZATION

The fact that a clear consensus does not exist as to what police militarization means is problematic. Without the benefit of a clear definition and universally accepted attributes, proving that police militarization has occurred is difficult. Much of the literature simply states that police militarization has occurred with little or no evidence offered in support. In lieu of empirical data, many authors simply describe what they believe police militarization looks like and offer arbitrary facts to support their claims. For instance, several articles use as evidence the labeling of crime control efforts with military terms, such as the “war on crime” and the “war on terror.”³¹ Few address the fact that the terms “war on crime” and the “war on terror” were first adopted by politicians to garner support for their economic and political agendas.³² Nevertheless, critics argue that the use of military jargon is evidence of the adoption of a military culture by law enforcement. Further, they argue that this military culture increasingly divides the police from the public by creating a mentality that the citizens are the enemy and the streets are a war zone.³³ Radley Balko’s book entitled, *Rise of the Warrior*

²⁸ Peter B. Kraska, “Questioning the Militarization of U.S. Police: Critical versus Advocacy Scholarship*,” *Policing and Society* 9, no. 2 (April 1999): 147, doi:10.1080/10439463.1999.9964809.

²⁹ Waddington, “Swatting Police Paramilitarism,” 128.

³⁰ Ibid.

³¹ Whitehead and Hentoff, *A Government of Wolves*, 7.

³² Peter B. Kraska, *Militarizing the American Criminal Justice System: The Changing Roles of the Armed Forces and the Police* (Boston: Northeastern, 2001), 19–20.

³³ Weber, “Warrior Cops—The Ominous Growth of Paramilitarism in American Police Departments,” 10.

Cop: The Militarization of American Police Forces, spends considerable time addressing what he refers to as the dominant military culture within modern police agencies, but offers only anecdotal evidence of such.³⁴

Actual attempts to demonstrate that police militarization has occurred through empirical research are scarce. Peter Kraska attempted to find some measurable evidence of militarization by focusing on the proliferation of paramilitary police units (PPUs), aka SWAT teams, and their expanded use during routine police activities. His research compares the number of PPUs employed by police agencies in the 1960s with the number of PPUs reported in 1995. According to his research, the use of PPUs by small jurisdictions increased 157 percent during that time period.³⁵ In an article entitled, "Militarizing American Police: The Rise and Normalization of Paramilitary Units, Kraska and Kappeler again compare the number of formal PPUs in use from 1960 to 1995. They focused on the changing roles and expanded use of PPU's throughout the study's time period. Their conclusion is that the number of PPUs used by law enforcement agencies has risen exponentially and the frequency of their use has increased tremendously.³⁶

Evidence is also available that PPU activities have expanded from traditional roles involving hostage/barricades, terrorism, and active shooter situations, to activities, such as warrant service and drug raids.³⁷ In an article entitled, "Grounded Research into U.S. Paramilitary Policing: Forcing the Iron Fist Inside the Velvet Glove," Kraska and Paulsen determined that the expanded use of PPUs is partially because officers assigned to these units found it to be a

³⁴ Balko, *Rise of the Warrior Cop*.

³⁵ Kraska, "Questioning the Militarization of U.S. Police," 152.

³⁶ Kraska and Kappeler, "Militarizing American Police," 12.

³⁷ *Ibid.*, 6–7.

pleasurable experience.³⁸ However, their assertions were based on the study of a single police agency, and therefore, have limited utility.

Dansky's ACLU article also focuses almost exclusively on SWAT team operations as evidence of police militarization. She accomplishes her critique of police militarization by discussing a few tragic incidents in which SWAT operations resulted in death or severe injuries.³⁹ Unfortunately, she attributes these botched SWAT operations to militarization rather than exploring the root of these failures. Many of the examples she cited could have been the result of inadequate training or the inherent dangers associated with ambiguous, volatile, and dynamic environments. By failing to acknowledge these possibilities, her argument loses some credibility. However, her views and those of the ACLU are representative of much of the current discourse on the subject.

Garth den Heyer offers an interesting counter to Dansky's article. He posits that the proliferation of SWAT teams has been a necessary response to a changing threat environment.⁴⁰ Heyer goes on to state, "The current risk or danger in regard to PPU/SWAT Units in America is not the increase in their numbers or the increase in their rate of deployment or even their weapons, but is in their lack of preparation before deployment, their use of intelligence, the tactics employed on the scene and their professionalism."⁴¹ Heyer's key point is that a distinction exists between police militarization and operational failures.

F. MILITARY SURPLUS

Another common theme in the literature is the effect of military equipment and technology on policing. The federal programs that make this equipment available to law enforcement are also the subject of much of the current debate.

³⁸ Peter B. Kraska and Derek J. Paulsen, "Grounded Research into U.S. Paramilitary Policing: Forging the Iron Fist inside the Velvet Glove," *Policing and Society* 7, no. 4 (August 1997): 267, doi:10.1080/10439463.1997.9964777.

³⁹ Dansky, "War Comes Home."

⁴⁰ den Heyer, "Mayberry Revisited," 351.

⁴¹ Ibid., 359.

Several articles discuss the fact that police departments throughout the country have received massive amounts of military weapons and equipment.⁴² Their contention is that this equipment has resulted in a significant change in police culture and tactics. Dansky is particularly critical of the military surplus program. She argues the federal government essentially incentivized the militarization of the police by allowing the distribution of military weapons and equipment without a justification of need.⁴³ Once police agencies received this equipment, they felt a responsibility to develop tactics to incorporate the equipment into operations, regardless of its utility for the situation. This distribution resulted in many police agencies attempting to form SWAT teams and engage in unconventional missions that larger, more capable police departments had previously handled. Dansky argues that the tendency to adopt new responsibilities unilaterally, aka mission creep, is dangerous.⁴⁴ Weber stated, “the modern SWAT team was born of public fear and the perception by police that crime had reached such proportions and criminals had become so invincible that more armament and more training were needed.”⁴⁵

Hall and Coyne argue that the accelerated transfer of military equipment to police agencies since the 9/11 terror attacks has exacerbated the problems associated with militarization.⁴⁶ They state, “By providing weapons, training, and other resources to the police, the military effectively augments the power of its various agencies and the number of personnel under its influence.”⁴⁷ Hill and Berger make the point that significant military training and consultation often followed the 1.2 million pieces of equipment transferred to police agencies, which

⁴² Weber, “Warrior Cops—The Ominous Growth of Paramilitarism in American Police Departments.”

⁴³ Dansky, “War Comes Home,” 24–25.

⁴⁴ Ibid., 25.

⁴⁵ Weber, “Warrior Cops—The Ominous Growth of Paramilitarism in American Police Departments,” 6.

⁴⁶ Hall and Coyne, “The Militarization of U.S. Domestic Policing,” 497.

⁴⁷ Ibid., 488.

added to the militarization effect.⁴⁸ John Whitehead argues that the government is using fear to purposely erode freedom. This fear propaganda has enabled the police to acquire massive amounts of military equipment and adopt pervasive tactics.⁴⁹

G. ECONOMICS

An important theme in some of the literature is the role of economics in militarization. Hall and Coyne devote a significant amount of time discussing the economic influence on militarization in their article entitled, "The Militarization of U. S. Domestic Policing." A key point in their work is that government agencies have an "inherent tendency to expand beyond their initial aims and goals."⁵⁰ They also point to the "war on drugs" and the "war on terror" as key drivers of militarization stating that "crises, whether they are actual or merely perceived (for example, the threat of drug gangs, terrorism, nuclear war, and so forth), provide an opportunity for government to increase in size and scope."⁵¹ Several other authors note that mission creep is often the result of economic incentives to obtain equipment and capabilities. Dansky's article supports this notion by citing examples of small police departments that obtained military style equipment, such as armored personnel carriers due to claimed concerns of terrorism despite little evidence that such a threat existed.⁵² Still others acknowledge the economic and cultural effect of globalization and terrorism on modern policing, and argue that the challenges of the homeland security mission have ushered in a new policing paradigm.⁵³ In their article entitled, "Soldiers as Police Officers/Police Officers as Soldiers: Role Evolution and Revolution in the United States", Donald and Kathleen Campbell point to the events of 9/11 as the catalyst for changes in

⁴⁸ Hill and Berger, "A Paramilitary Policing Juggernaut," 30.

⁴⁹ Whitehead and Hentoff, *A Government of Wolves*, 7.

⁵⁰ Hall and Coyne, "The Militarization of U.S. Domestic Policing," 500.

⁵¹ *Ibid.*, 489.

⁵² Dansky, "War Comes Home," 26.

⁵³ Steven G. Brandl, "Back to the Future: The Implications of September 11, 2001 on Law Enforcement Practice and Policy," *Ohio St. J. Crim. L.* 1 (2003): 144.

domestic policing due to the fading distinction between crime, terrorism, and war.⁵⁴

H. CULTURE

There is also disagreement as to the net effect of police militarization. Kraska and other critics argue that the real danger of police militarization is the change in police culture. As the police become militarized, they adopt a “warrior” mindset that changes how the public is perceived.⁵⁵ Kraska in particular devotes considerable time discussing the effects of the paramilitary culture. One of the adverse effects of militarization discussed by several authors is the alienation of the public. As police officers become more militarized, they form strong bonds or “esprit de corps...which serves to perpetuate alienation and separation from the public.”⁵⁶ This notion seems to be supported by Henri Tajfel’s work in social identity theory.⁵⁷

Waddington argues that Kraska and others are mistaken. He believes that the police have their own culture, which is distinct from the military in many ways and is built on the tenet that the police are obligated to protect the sanctity of citizenship.⁵⁸ There is also disagreement that the military’s influence on policing is bad. Sergio Herzog states that the professionalization of the police, which occurred during the first half of the 20th century, required a “centralized organizational structure, a hierarchical chain of command, authoritative leadership, uniform outward appearance, top-down communication by means of order and directives and down-up action reporting, and internal control over rank

⁵⁴ Donald J. Campbell and Kathleen M. Campbell, “Soldiers as Police Officers/ Police Officers as Soldiers: Role Evolution and Revolution in the United States,” *Armed Forces & Society* 36, no. 2 (January 1, 2010): 337, doi:10.1177/0095327X09335945.

⁵⁵ Kraska and Paulsen, “Grounded Research into U.S. Paramilitary Policing,” 260–267.

⁵⁶ Sergio Herzog, “Militarization and Demilitarization Processes in the Israeli and American Police Forces: Organizational and Social Aspects,” *Policing and Society* 11, no. 2 (May 2001): 188, doi:10.1080/10439463.2001.9964861.

⁵⁷ Henri Tajfel, ed., *Social Identity and Intergroup Relations* (Cambridge, UK: Cambridge University Press, 2010).

⁵⁸ Waddington, “Swatting Police Paramilitarism,” 132.

and file by commanders through strong internal discipline.”⁵⁹ He also argues that military ideology is not limited to overwhelming force, but rather “order, discipline, and self-sacrifice.”⁶⁰

I. CONCLUSION

A last observation of particular interest is that the literature seemed to reflect a softening on the subject of police militarization immediately after 9/11. The most notable author on the subject, Peter Kraska, stated in 2007, “I want to concede upfront that the positive virtues the military model brings to the policing table have not been discussed.” He went on to say, “To many people, even among academics, the military model represents constraint, discipline, honor, control, competence, and a type of patriotism.”⁶¹ However, a reversal of that softening in the media has occurred since the events in Ferguson.

A thorough analysis of the literature related to police militarization reveals a wide range of ideas, opinions, and evidence. Despite very different perspectives on the subject, each source provides valuable insight into this timely and relevant subject. The flurry of interest related to the topic that has emerged since the Ferguson incident will likely result in further exploration of this complex topic. The dearth of literature makes it clear that additional research is needed to inform future policy decisions.

J. METHODOLOGY

Police militarization is a complicated and multifaceted issue. History reveals that police militarization has been a concern for as long as formal policing has existed. When Sir Robert Peel created the London Metropolitan Police in 1829, he made them wear blue uniforms to distinguish the police from the British military who wore red. He also prohibited the carrying of firearms out of fear it

⁵⁹ Herzog, “Militarization and Demilitarization Processes in the Israeli and American Police Forces,” 181.

⁶⁰ Ibid., 183.

⁶¹ Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” 511.

would alienate the public.⁶² Peel's concerns about the effect of militarization on society reflect much of the current discourse on the topic. Little effort has been spent on defining police militarization and exploring its cause. As such, no comprehensive policy regarding police militarization has been developed that could potentially meet the needs of both the community and the police.

This project is comprised of three primary exploratory chapters, each employing distinct methodologies. Chapter II explores the various components of police militarization and concludes with a comprehensive and nuanced definition of police militarization through an extensive analysis of the existing literature related to the topic. Since no clear definition of police militarization existed, it was necessary to piece together various components of the topic and identify gaps and misconceptions. Establishing a clear definition of police militarization is an important prerequisite to understanding its cause and effect.

Chapter III is a comprehensive statistical analysis of violence directly related to law enforcement that examines three decades of violent crime data obtained through open source reporting. The majority of the data was extracted from the FBI Uniform Crime Reports. The specific categories of violence examined were the following.

- law enforcement line of duty deaths due to felonious acts
- felonious assaults on law enforcement
- ambush attacks against law enforcement
- violent crime rates (murder and non-negligent manslaughter, rape, robbery, and aggravated assault)
- active shooter incidents

For each category of violence, the data was analyzed to determine trends that might have contributed to the adoption of militarized policing methods or challenge the legitimacy of the current levels of police militarization.

⁶² "Sir Robert Peel and His 'Bobbies,'" accessed June 18, 2015, <http://www.historic-uk.com/HistoryUK/HistoryofEngland/Sir-Robert-Peel/>.

Chapter IV is an in-depth analysis of the complex social and psychological processes that affects how police officers perceive violence through the lens of social identity. An extensive examination of literature pertaining to social identity theory was required with a focus on the dynamics of in-group relations within policing. Those concepts were then used to explain how law enforcement officers develop a socially constructed perception of violence and how it affects their behavior.

The analysis then expanded to included two key factors, which were identified as having a strong influence on social perception. The first is the role of the media in establishing narratives not necessarily consistent with reality. The second is how police training strengthens social identity and influences perceptions of violence. Numerous academic works show a strong correlation between these key factors and law enforcement's perception of the threat of violence. Evidence is presented in support of the theory that socially constructed realities strongly influence law enforcement's subsequent adoption of militarized policing methods.

Chapter V leverages the information presented in the previous chapters to create a framework for the development of appropriate militarized response capabilities based on current capabilities and emerging threats.

The analysis presented in these chapters explains how violence has been used to both justify and vilify the various components of police militarization. Establishing a clear understanding of the reasons why law enforcement has militarized will enable law enforcement and political leaders to make sound decisions regarding the acquisition of military equipment and the application of militarized policing tactics. Those educated decisions will ensure the appropriately balance of liberty and security.

II. DEFINING POLICE MILITARIZATION

There is a big difference between our military and our local law enforcement and we don't want those lines blurred.

~President Obama—8/18/14

While the events in Ferguson, Missouri, reignited the debate about police militarization, little effort has been made to define what the term means. However, that lack of a definition has not prevented the media from reporting on the topic. A Google search of the term “POLICE MILITARIZATION” conducted six months after the Ferguson incident produced 1.47 million results. Without a clear definition of the term, reporting on the topic ranged from issues of race relations and biased policing to the types of uniforms being worn by the police officers.

This chapter examines the various components of police militarization and presents a comprehensive definition meant to inform future debate.

A. TYPES OF POLICING

To begin to understand what police militarization is, it is important to establish some context. This project is focused on the issue of police militarization within the American system of law enforcement; an important distinction because the issue of police militarization has not been solely a problem in the United States.⁶³ Other nations with similar systems of policing have also expressed concern about the role and influence of the military on law enforcement.⁶⁴ Since the system of policing utilized by a nation seems to be at

⁶³ Cynthia H. Enloe, “Ethnicity and Militarization: Factors Shaping the Roles of Police in Third World Nations,” *Studies in Comparative International Development* 11, no. 3 (September 1, 1976): 25–38, doi:10.1007/BF03041097.

⁶⁴ Activist, “Militarized Australian Police Raid Motorcycle Club; Humiliate Man in Public and Make No Arrests,” accessed May 9, 2015, <http://www.activistpost.com/2013/11/militarized-australian-police-raid.html>.

least a nominal factor affecting attitudes about police militarization, it is useful to differentiate between the different primary systems of policing that exist.

According to Nadav Morag, three primary types of policing systems are utilized worldwide: centralized, Napoleonic, and decentralized.⁶⁵ The centralized system has a single, national police force with a central command structure.⁶⁶ Japan, New Zealand, and Sweden are among many countries that have a centralized law enforcement system and employ a national police force in various forms.

The Napoleonic system leverages military and civilian police units to enforce laws and provide domestic security.⁶⁷ For example, the French criminal justice system is comprised of three main police agencies: the Police Nationale, the Gendarmerie Nationale, and the Compagnie Républicaine de la Sécurité.⁶⁸ The Gendarmerie Nationale is actually part of the Army and controlled by the Ministry of Defence.⁶⁹ They investigate crimes, provide public security, and protect critical infrastructure. However, the military also equips and trains them to handle difficult missions. For example, the Gendarmerie Nationale Intervention Group (GIGN) is an elite special operations unit that can be deployed both domestically and abroad to deal with incidents, such as terrorism, violent crime, hostage taking, and prison riots.⁷⁰

The decentralized system employs numerous police agencies with no unified command structure.⁷¹ The United States, United Kingdom, Australia, and

⁶⁵ Nadav Morag, *Comparative Homeland Security: Global Lessons* (Hoboken, NJ: John Wiley & Sons, 2011), 147.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ "The French Police," accessed April 17, 2015, <https://www.justlanded.com/english/France/Articles/Culture/The-French-police>.

⁶⁹ Ibid.

⁷⁰ "French National Gendarmerie," accessed April 17, 2015, <http://www.fiep.org/member-forces/french-national-gendarmerie/>.

⁷¹ Morag, *Comparative Homeland Security*, 147.

others utilize a decentralized system.⁷² Nevertheless, even among nations that use the decentralized system, the United States is unique. It is comprised of nearly 18,000 individual law enforcement organizations, which is far more than other countries.⁷³ Each of these agencies varies greatly in size, structure, authority, and capability.⁷⁴ For these reasons, police militarization in the United States is a complicated issue and one not easily defined. However, this decentralized law enforcement structure also makes the suggestion that police militarization could lead to a police state highly unlikely, as it would require the unified effort of 18,000 government agencies that are subject to various degrees of civilian oversight.⁷⁵

B. POLICE VS. MILITARY

According to Black's Law Dictionary, *police* is defined as "the function of that branch of the administrative machinery of government which is charged with the preservation of public order and tranquility, the promotion of the public health, safety, and morals, and the prevention, detection, and punishment of crimes."⁷⁶ An alternative definition is "A body sanctioned by local, state, or national government to enforce laws and apprehend those who break them."⁷⁷ In the United States, the police refer to civilian law enforcement agencies of the federal, state, and local executive branch of government.

⁷² Morag, *Comparative Homeland Security*, 147.

⁷³ "Bureau of Justice Statistics (BJS)—Local Police," accessed February 21, 2015, <http://www.bjs.gov/index.cfm?ty=tp&tid=71>.

⁷⁴ Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 2008* (Washington, DC: Office of Justice Programs, Bureau of Justice Statistics, 2011), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2216>.

⁷⁵ Whitehead and Hentoff, *A Government of Wolves*, 23–30.

⁷⁶ "What Is POLICE? Definition of POLICE," accessed February 22, 2015, <http://thelawdictionary.org/police/>.

⁷⁷ "Police," February 22, 2015, <http://www.thefreedictionary.com/Police>.

The U.S. military refers to the DOD and the five branches of the armed forces: Army, Air Force, Navy, Marine Corps, and Coast Guard.⁷⁸ The DOD is charged with “provid[ing] the military forces needed to deter war and to protect the security of our country.”⁷⁹ Despite having a dual role as state militia and federal military, the National Guard is considered a vital part of the DOD. For instance, Title 10 USC authorized POTUS to order the National Guard to active duty in support of national defense missions, while Title 32 USC establishes the National Guard as an authorized state militia.⁸⁰

Based on these very simple definitions, the following distinction between the police and the military can be made. The police exist to enforce the law and investigate criminal activity. The military is charged with waging war and protecting the security of the nation. The police certainly have a homeland security mission as well, but it also is essentially a function of their mandate to enforce laws. Another distinction is that the DOD is charged with defending the nation from security threats overseas.⁸¹

However, the missions of the police and the military often overlap. In an article entitled, “Who’s in Charge?: New Challenges in Homeland Defense and Security,” Thomas Goss makes the case that the traditional lines between the police and the military have become obfuscated. He stated:

In the middle is a ‘seam’ of ambiguity, where threats are neither clearly national security threats (requiring a military [DOD] response capability) nor clearly law enforcement threats (requiring a non-military response capability from the Department of Homeland Security [DHS], the Department of Justice [DOJ], or other agency).

⁷⁸ “U.S. Armed Forces Overview,” accessed March 1, 2015, <http://www.military.com/join-armed-forces/us-military-overview.html>.

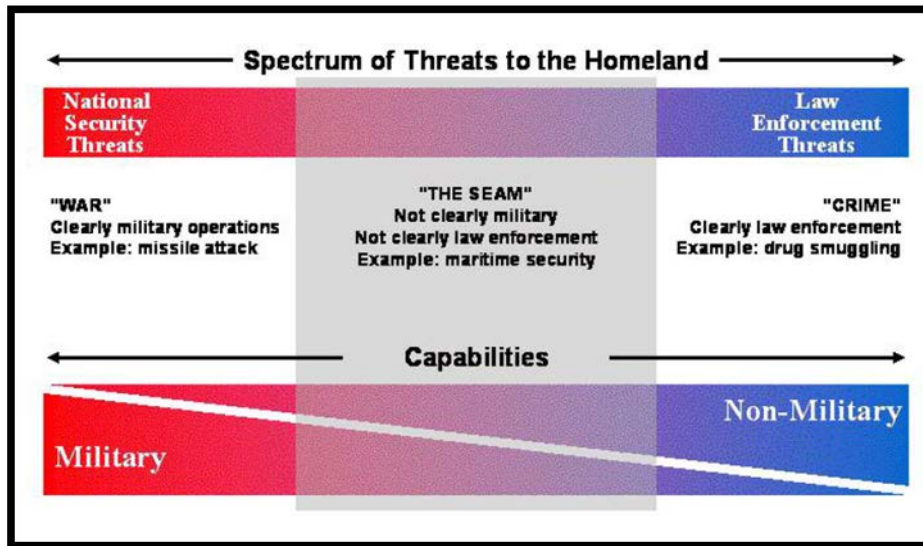
⁷⁹ “About The Department of Defense (DOD),” accessed March 1, 2015, <http://www.defense.gov/about/>.

⁸⁰ David R. King, *How Can the United States Best Prepare Its Army Federal Troops to Respond Quickly to Future National Emergencies within the United States?* (Fort Leavenworth, KS: U.S. Army Command and General Staff College, 2006), 25–31, <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA452186>.

⁸¹ Thomas Goss, “‘Who’s in Charge?’ New Challenges in Homeland Defense and Homeland Security,” *Homeland Security Affairs* 2, no. 1 (April 2006): 4, <https://www.hsaj.org/articles/173>.

Along this 'seam' are threats such as transnational terrorist groups who challenge the delineation of responsibility between DOD and DHS, DOJ, or other agencies, because it is difficult to label them as either a national security threat or a law enforcement threat. Determining whether a particular adversary is one or the other will depend on the circumstances at the time and who is most capable to lead the nation's efforts.⁸²

Figure 1. Current National Challenge



From Thomas Goss, "Who's in Charge?' New Challenges in Homeland Defense and Homeland Security," *Homeland Security Affairs* 2, no. 1 (April 2006): 4, <https://www.hsaj.org/articles/173>.

This modern blending of roles is further exacerbated by the inherent similarities between the two entities. Speaking to this issue, Donald and Kathleen Campbell wrote:

[B]oth organizations have in common numerous other surface and substantive characteristics. These include distinctive uniforms and garb, an emphasis on hierarchical organizational structure, a heavy reliance on command and control, explicit and easily identifiable ranking relationships among members, and a greater than average concern for physical ability and strength. More substantively, society has granted both occupations the authority to use physical

⁸² Goss, "Who's in Charge?' New Challenges in Homeland Defense and Homeland Security," 2.

force (including lethal force under specific circumstances) to carry out societal mandates.⁸³

Despite some overlap in the mission space, some essential differences occur between the police and the military. A significant difference is the ability of the military to engage in domestic law enforcement activities.

C. POLICING BY THE MILITARY

Military interaction with and influence on policing in the United States has been a topic of concern since the American Revolution.⁸⁴ The Founding Fathers were particularly sensitive to the oppressive effects, both real and perceived, of the use of the military to enforce civil law. It was commonly believed that a “strong national army would pose a dangerous and potentially insurmountable threat to the autonomy and authority of the states within the fledgling Republic.”⁸⁵ The possibility of the military being used for law enforcement was strictly limited by the Posse Comitatus Act of 1878. As found in 18 USC §1385, the Act reads, “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.”⁸⁶

It is important to understand that police militarization is a separate and distinct issue from policing by the military. The latter is regulated by numerous statutes and legal exceptions, which authorize the President to use military force to suppress rebellion and enforce federal law. Current versions of these laws are found in 10 USC §§ 331-335. Other regulations that permit the use of military information, equipment, and personnel in certain situations are found in 10 USC

⁸³ Campbell and Campbell, “Soldiers as Police Officers/ Police Officers as Soldiers,” 328.

⁸⁴ Weber, “Warrior Cops—The Ominous Growth of Paramilitarism in American Police Departments,” 3.

⁸⁵ Croakley, *The Role of Federal Military Forces in Domestic Disorders, 1789–1878*.

⁸⁶ “The Posse Comitatus Act,” May 16, 2013, <http://www.northcom.mil/Newsroom/FactSheets/ArticleView/tabid/3999/Article/563993/the-posse-comitatus-act.aspx>.

§§ 371–382. Conversely, the militarization of the police is not specifically prohibited.

D. MILITARIZATION OF POLICING

The common image of police militarization, which has been perpetuated by the media, is that of a police officer flanked by an armored vehicle, carrying some sort of a military style weapon, wearing a non-traditional police uniform.⁸⁷ As such, much of the debate about militarization has focused on equipment and appearance. However, a deeper exploration of the concept reveals a much more complicated issue despite few attempts to define clearly what police militarization actually means.

One of the most prolific authors on the subject of police militarization, Peter Kraska, has made several attempts to clarify key terms. Referring specifically to the terms “militarization” and “militarism,” he writes “Despite these terms’ pejorative undertones for some, they are most often used in academe as rigorous concepts that help us to think more clearly about the influence of war and the military model have on different aspects of society.”⁸⁸ In an article entitled, “Militarizing American Police: The Rise and Normalization of Paramilitary Units,” Kraska defines *militarism* as “a set of beliefs and values that stress the use of force and domination as appropriate means to solve problems and gain political power, while glorifying the tools to accomplish this—military power, hardware, and technology.”⁸⁹ Kraska later amended this definition to read “a set of beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate and efficacious means to solve problems. It emphasizes the exercise of military power, hardware, organization, operations, and technology as its primary problem-solving tools.”⁹⁰ According to Kraska,

⁸⁷ “Ferguson and the Militarization of Police,” accessed July 4, 2015, <http://www.usnews.com/news/articles/2014/08/14/ferguson-and-the-shocking-nature-of-us-police-militarization>.

⁸⁸ Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” 502.

⁸⁹ Kraska and Kappeler, “Militarizing American Police,” 1.

⁹⁰ Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” 503.

appearance and equipment are contributing factors to militarism, but the most significant component is the application of overwhelming force.

Another key term, *militarization*, is defined by Kraska as, “the implementation of the ideology of militarism. It is the process of arming, organizing, planning, training for, threatening, and sometimes implementing violent conflict.”⁹¹ Kraska states that police militarization is the “process whereby civilian police increasingly draw form, and pattern themselves around the tenets of militarism and the military model.”⁹² He proposes four categories, which provide indicators that the police are militarized:

- material—martial weaponry, equipment, and advanced technology
- culture—martial language, style (appearance, beliefs, and values
- organizational—martial arrangements such as “command and control” centers [e.g. (COMPSTAT)], or elite squads of officers patterned after military special operations patrolling high-crime areas (as opposed to the traditional officer on the beat)
- operational—patterns of activity modeled after the military, such as in the areas of intelligence, supervision, handling high-risk situations, or war making/restorations (e.g., weed and seed)⁹³

Kraska asserts that the degree to which a police organization has militarized can be measure using the dimensions found in Figure 2.⁹⁴

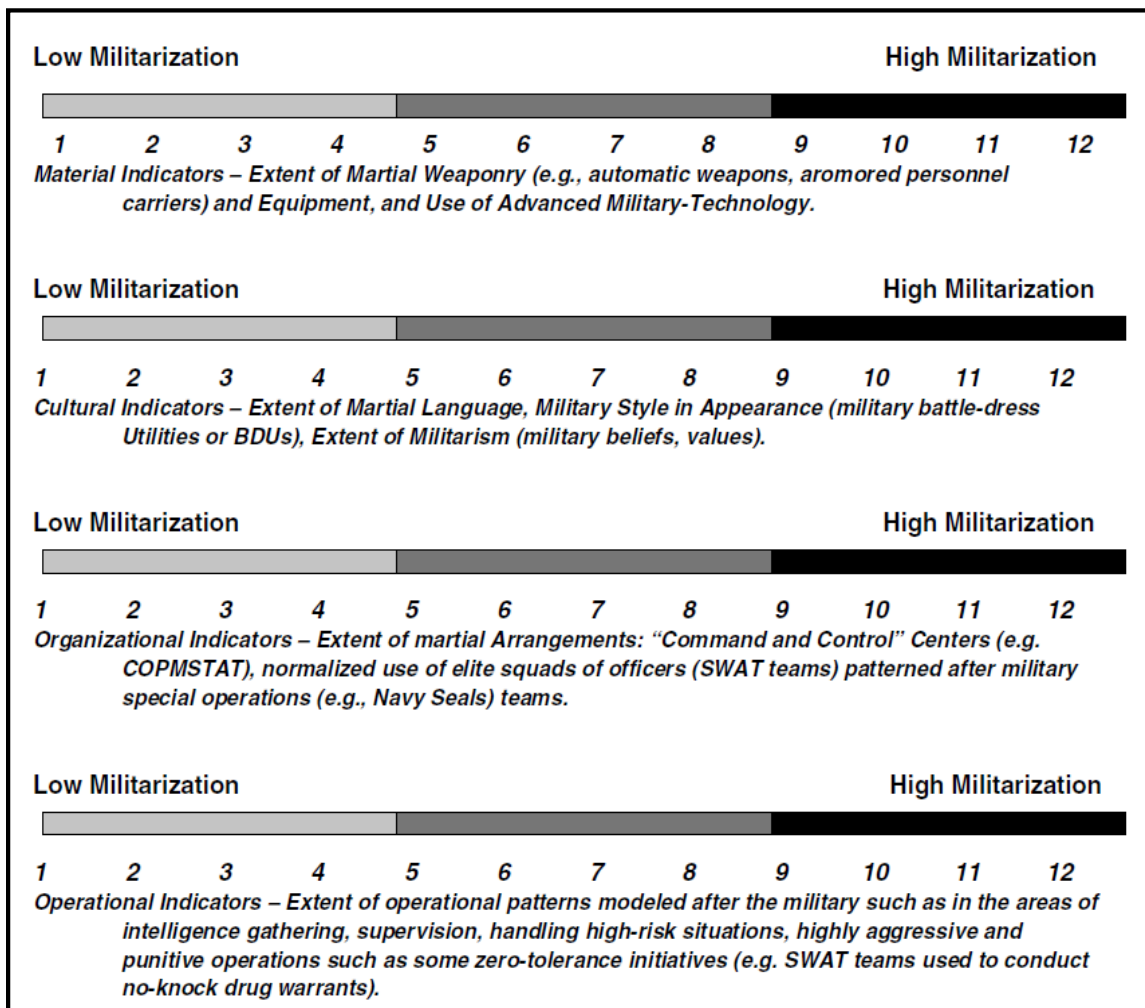
⁹¹ Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” 503.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid., 4.

Figure 2. Indicators of Militarization



From Peter B. Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” *Policing* 1, no. 4 (November 7, 2007): 504. doi:10.1093/police/pam065.

Others have echoed the sentiment that the mere existence of any of these indicators is insufficient to determine if a law enforcement agency (LEA) has become militarized. The reason is that the police are inherently militarized in structure, organization, and mission. According to Sergio Herzog:

Police departments throughout the modern world tend to share an essentially military organizational structure and pattern of work...[These included] a centralized organizational structure, a hierarchical chain of command, authoritative leadership, uniform outward appearance, top-down communication by means of order and directives and down-up action reporting, and internal control

over rank-and-file by commanders through strong internal discipline.⁹⁵

It is important to keep these innate similarities in mind when attempting to determine what police militarization is. A common comparison is that the police and the military both wear uniforms. However, police uniforms have a much different impact on society.⁹⁶ Studies have shown that police uniforms increase the public's perception of the officer's professionalism, competence, integrity, and intelligence.⁹⁷ However, research suggested that public perceptions of the police were negatively affected when the police wore military combat style uniforms.⁹⁸ This perception explains why the use of military surplus uniforms by the police has been offered as evidence of police militarization.

Another controversial manifestation of police militarization has been the use of SWAT teams. In their article, "Soldiers as Police Officers/Police Officers as Soldiers: Role Evolution and Revolution in the United States," Donald and Kathleen Campbell focus on these specialized police teams. They state, "For police, militarization has taken the form of a rapid proliferation of police paramilitary units, that is, PPUs or SWAT teams modeled on the military special operations groups."⁹⁹

Stephen Hill and Randall Berger expand the discussion to include paramilitary policing. They posit that paramilitary policing has multiple meanings.¹⁰⁰ First, they refer to Robert Perito's general definition of paramilitary, meaning "armed forces of the state that have both military capabilities and police

⁹⁵ Herzog, "Militarization and Demilitarization Processes in the Israeli and American Police Forces," 181.

⁹⁶ "Police Militarization in Ferguson," accessed July 4, 2015, <http://www.businessinsider.com/police-militarization-ferguson-2014-8>.

⁹⁷ Ming S. Singer and Alan E. Singer, "The Effect of Police Uniform on Interpersonal Perception," *The Journal of Psychology* 119, no. 2 (March 1, 1985): 157–61, doi:10.1080/00223980.1985.10542882.

⁹⁸ Daniel J. Bell, "Police Uniforms, Attitudes, and Citizens," *Journal of Criminal Justice* 10, no. 1 (1982): 45–55, doi:10.1016/0047-2352(82)90059-9.

⁹⁹ Campbell and Campbell, "Soldiers as Police Officers/ Police Officers as Soldiers," 329.

¹⁰⁰ Hill and Berger, "A Paramilitary Policing Juggernaut," 26.

powers.”¹⁰¹ They go on to describe the three characteristics of a militarized or paramilitary police force used by Scobell and Hammitt:

- deploy as units rather than as individuals
- seek training from military personnel in the use of sophisticated weaponry, special apparel, and equipment
- adopt a system of rank that replicates the structure of the military¹⁰²

Examples of true paramilitary police forces can be found in nations that employ the Napoleonic system of policing, such as France (Gendarmerie Nationale), Italy (Carabinieri), and Spain (Guardia Civil).¹⁰³ It is significant that each of these police forces receives its authority from its respective ministries of defense, rather than a civilian entity, and act in support of the military during time of war.¹⁰⁴ Based on these distinctions, the United States does not have true paramilitary police forces. Rather, what is seen in the United States are policing teams that employ some components of paramilitary policing. These teams are most commonly referred to as SWAT, emergency response teams (ERT), and special weapons groups (SPG). These specialized units differ from their Gendarmerie counterparts in that they remain under the command and control of their respective civilian police organizations. Another key difference is that members of these specialized units are often assigned on a part-time basis. According to one study, approximately 88 percent of SWAT team members perform this function as an “ancillary duty.”¹⁰⁵

¹⁰¹ Robert Perito, *Where Is the Lone Ranger When We Need Him?: America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute of Peace Press, 2004), 46. Citing work by Peter Scobell and Brad Hammitt.

¹⁰² Peter B. Scobell and Brad Hammitt, “Goons, Gunmen, and Gendarmerie: Toward a Reconceptualization of Paramilitary Formations,” *Journal of Political and Military Sociology* 26, no. 2 (1998): 214–227.

¹⁰³ Morag, *Comparative Homeland Security*, 147.

¹⁰⁴ Waddington, “Swatting Police Paramilitarism,” 127.

¹⁰⁵ David A. Klinger and Jeff Rojek, *A Multi-Method Study of Special Weapons and Tactics Teams* (Washington, DC: National Institute of Justice, NIJ, 2008), 4, <http://www.ncjrs.gov/pdffiles1/nij/grants/223855.pdf>.

Tomas Weiss argues that the current debate about police militarization “lacks comprehensiveness and conceptual underpinning.”¹⁰⁶ His contention is that no attempt has been made to define terms clearly. Rather, scholars have generally studied a particular component of the issue, such as equipment. This analysis can be seen in the June 2014 ACLU article entitled, “War Comes Home—The Excessive Militarization of American Policing,” which focused almost exclusively on equipment and SWAT teams without an attempt to define the term militarization.¹⁰⁷

Weiss makes a number of distinctions between the military and the police. He argues that while both the military and the police are authorized to use force, a distinctive factor is that the police “operate under the concept of minimal force, which means applying as little violence as necessary to maintain order”¹⁰⁸ Conversely, the military uses the “maximum force in order to defeat the power and will of the opponent as quickly as possible with minimum costs.”¹⁰⁹ Using Weiss’s rationale, police militarization is not contingent upon the type of equipment or weapons the police used; rather, it is the manner in which they were used that would determine whether the police were militarized.

E. MISCONCEPTIONS

A thorough examination of the literature related to police militarization reveals an inclination to stigmatize the concept based on subjective measures. The lack of a clear definition has also resulted in the misapplication of the term. It is often used to describe any situation in which police behavior and/or policies are unpopular, such as the execution of no-knock search warrants, control of civil disturbances, application of force, and the gathering of intelligence.¹¹⁰ Police militarization has also been used synonymously to mean a form of police

¹⁰⁶ Weiss, “The Blurring Border between the Police and the Military,” 1.

¹⁰⁷ Dansky, “War Comes Home.”

¹⁰⁸ Weiss, “The Blurring Border between the Police and the Military,” 401.

¹⁰⁹ Ibid.

¹¹⁰ Whitehead and Hentoff, *A Government of Wolves*, 113–122.

misconduct despite the lack of any evidence to support such claims. For example, numerous recent incidents of questionable deadly force by the police have been attributed to police militarization despite any effort to correlate the two issues.¹¹¹

This confusion is understandable because the concept of militarization is not easy to apply to law enforcement. For example, Kraska's definition of militarization, as found on page 23, may be accurate, but it becomes problematic when applied to policing because it fails to account for the fact that the police have always used force, or the threat of force, as a means to accomplish their mission.¹¹² It also does not take into consideration the fact that force is used infrequently by U.S. law enforcement. According to a 2008 Bureau of Justice Statistics report, only 1.9 percent of law enforcement contacts with the public resulted in the use or threat of force by the police.¹¹³ This definition of militarization also fails to factor in law enforcement's legitimate need to adjust the level of force available to police officers depending on the existing threat.¹¹⁴

Weiss makes a key distinction that policing is actually based on the concept of minimal force, using only that force which is necessary to accomplish the objective (i.e., affect an arrest, control civil disorder, serve a warrant, etc.).¹¹⁵ An increase in the amount of force used by law enforcement would not itself be indicative of militarization because force is an integral part of policing. Police militarization must therefore involve a change in the degree of force, as well as the manner in which it is applied.

¹¹¹ Dansky, "War Comes Home."

¹¹² Geoffrey P. Alpert and Roger G. Dunham, *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* (Cambridge, UK: Cambridge University Press, 2004), 17.

¹¹³ "Emerging Use of Force Issues—Balancing Public and Officer Safety," accessed April 5, 2015, <https://www.hsdl.org/?view&did=707731>," 11.

¹¹⁴ Jim Fisher, *SWAT Madness and the Militarization of the American Police: A National Dilemma* (Santa Barbara, CA: ABC-CLIO, 2010), 7.

¹¹⁵ Weiss, "The Blurring Border between the Police and the Military."

F. DEFINITION

Based on the nuanced criteria proposed in this chapter, a comprehensive definition of police militarization emerges. Police militarization is the adoption of military style equipment, tactics, and/or policies, which leverage force, or the threat of force as the primary means to achieve a law enforcement agency's goals.

The key distinction between this definition and others is that force must be used as an offensive measure. Using an armored personnel carrier, regardless of how or where it was procured, to provide protection for police officers during an armed conflict would not be considered a militarized police tactic because force was not projected. Using a SWAT team to perform a dynamic entry of a home to take a suspect into custody would be a militarized police tactic, even if no actual force was used.

This definition can be applied systemically to a police agency. In other words, militarization could be the primary policing methodology for that organization. It can also be applied specifically. For example, certain police operations might be considered militarized depending on how they were conducted. Current active shooter response protocols would be considered a militarized police operation.

This definition of police militarization does not necessarily indicate impropriety, although the potential for abuse certainly exists. It acknowledges that equipment obtained by the police (military and commercial) can be for the purpose of increasing officer safety, as well as projecting force. Police militarization is a result of the manner in which the equipment and tactics are employed. Each police agency must determine what level of militarization is appropriate based on numerous criteria, including the nature of the mission, degree of threat, expectations of the community, and the level of training. The adoption of militarization as a primary policing methodology could significantly

undermine community policing efforts, create citizen mistrust, and reduce the effectiveness of the police department.¹¹⁶

¹¹⁶ Ronald Weitzer and Steven A. Tuch, "Determinants of Public Satisfaction with the Police," *Police Quarterly* 8, no. 3 (September 1, 2005): 279–97, doi:10.1177/1098611104271106.

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III. VIOLENT CRIME DATA

On September 12, 2014, two Pennsylvania state troopers were attacked outside the Bloomington Grove (Pennsylvania) State Police Barracks. The suspect, Eric Frein, used a high power rifle to ambush the two troopers during a shift change. The attack took the life of Corporal Byron Dickson and severely wounded Trooper Alex Douglags. The subsequent search for Frein was a harrowing experience for law enforcement. The terrain of the vast search area was difficult and a known cop killer could potentially be hiding behind every tree. Frein was finally taken into custody after an exhaustive 48-day manhunt. Police found in his possession an AK-47 rifle, ammunition, and several pipe bombs.¹¹⁷

This incident occurred just three months after another high profile ambush of police officers. On June 8, 2014, two Las Vegas police officers were shot and killed while they sat at a restaurant eating lunch. The investigation revealed that the suspects, Jared and Amanda Miller, had intentionally targeted police officers.¹¹⁸ The Miller's appeared to have been caught up in a burgeoning anti-government movement in which police officers are targeted because they are the most visible representation of an oppressive government.¹¹⁹

These are examples of the types of violent attacks that law enforcement say justify their use of military weapons and tactics.¹²⁰ Police officers are immersed in a culture of violence. They experience it both personally and vicariously. They see it on the news in their hometowns and across the nation.

¹¹⁷ M. Alex Johnson and Tom Winter, "Eric Frein Was Dedicated to Killing Cops: Pennsylvania Police," *NBC News*, October 31, 2014, <http://www.nbcnews.com/news/us-news/eric-frein-was-dedicated-killing-cops-pennsylvania-police-n237916>.

¹¹⁸ Michael Pearson, Saeed Ahmed, and Kevin Conlon, "Sheriff's Office: Las Vegas Couple Saw Police as Oppressors," *CNN*, June 10, 2014, <http://www.cnn.com/2014/06/09/justice/las-vegas-shooting/index.html>.

¹¹⁹ *Ibid.*

¹²⁰ John Zambri and Usha Sutliff, "Reflections on the Militarization of American Law Enforcement: An Adaptive Consequence to an Irregular Criminal Threat," *Small Wars Journal*, November 18, 2014, 8.

Law enforcement officers are constantly reminded that they are targets of violence via officer safety bulletins, training seminars, and through media reports of shocking attacks, such as the Pennsylvania and Las Vegas incidents. The psychological effect such incidents have on law enforcement cannot be discounted. The fear of being attacked at any moment for no other reason than being a police officer has psychological and physiological ramifications.¹²¹

Yet, these sensational incidents represent a fraction of the interactions the police have with the public on any given day. According to a 2011 Bureau of Justice Statistics report, 62.9 million citizens age 16 or older had at least one contact with law enforcement during the previous 12 months.¹²² Forty-nine percent of those contacts were labeled as either involuntary or initiated by the police. In other words, police officers engaged in over 30 million adversarial contacts with citizens in 2010. Despite the enormous number of citizen contacts with the police, the statistics on violent crime show that very few of these incidents involve violence.

This chapter analyzes crime statistics in several categories in an attempt to quantify the level of violence in the United States, especially violence encountered by police officers. This analysis is important because critics and supporters of police militarization use selected statistics to bolster their arguments. For example, critics often argue that violent crime, particularly against police officers, has actually decreased, and therefore, negated the need for militarization. In an article that appeared in the *Washington Post*, one such critic, Radley Balko, stated:

According to FBI statistics, 27 police officers were feloniously killed in 2013, the lowest raw number in more than 50 years. (The previous low was 41 in 2008.) If we go by officer homicides as a percentage of active-duty police, it was probably the safest year in

¹²¹ "Serious Health Risks among Police Officers Due to Stress," accessed April 8, 2015, <http://www.medicalnewstoday.com/articles/247781.php>.

¹²² Lynn Langton and Matthew Durose, *Police Behavior during Traffic and Street Stops, 2011* (Washington, DC: Bureau of Justice Statistics, 2013), 1, <http://149.101.16.41/content/pub/pdf/pbtss11.pdf>.

a century. The number of cops killed on duty has been falling since the mid-1990s, consistent with the overall drop in violent crime in America. Assaults against police officers have been in decline as well.¹²³

Using such an isolated statistic as commentary on the level of violence law enforcement faces is somewhat misleading. For instance, it is true that the number of police officers killed in the line of duty has decreased, but those statistics fail to consider advances in body armor and tactics, which have prevented the deaths of numerous officers. According to a report by the National Institute of Justice, body armor is credited with saving the lives of over 3,000 police officers during the last three decades.¹²⁴ Without the protection of body armor, an additional 100 police officer would have been killed each year making that era one of the deadliest for police. Statistics like those cited by Balko neglects many other measures of violence, which are no less indicative of the dangers of policing.

The remainder of this chapter is an analysis of available national data on various categories of violent crime designed to determine the actual magnitude of violence law enforcement officer's encounter. These categories include felonious killing of police officers, assaults on police officers, and national violent crime data. This analysis also accounts for emerging trends that have an impact on police militarization.

A. LAW ENFORCEMENT KILLED IN THE LINE OF DUTY

More than any other data, statistics about police line of duty deaths (LODD) affirm the dangers inherent in law enforcement. However, not all LODDs are the result of violence. Of the 126 LODDs in 2014, approximately half were

¹²³ Balko, "Five Myths about America's Police."

¹²⁴ "Body Armor," accessed May 19, 2015, <http://www.nij.gov/topics/technology/body-armor/Pages/welcome.aspx>.

the result of traffic incidents or job related illness and accidents.¹²⁵ LODDs resulting from felonious acts were the cause of the remaining half.¹²⁶ News of such tragedies quickly reverberates through the law enforcement community via a variety of channels, such as inter-agency communications and social/mainstream media. The more tragic the incident, the more national coverage the story receives. With the advent of in-car video, body cameras, and the proliferation of mobile video cameras, these stories often involve images, which fill the news cycle for days after a LODD. While these stories and images frame the narrative of violence that police officers often adopt, the data shows that these tragedies are infrequent.¹²⁷

According to the National Law Enforcement Officers Memorial Fund, a police officer is killed in the line of duty every 60 hours.¹²⁸ Since the first recorded LODD in 1791, over 20,000 police officers have been killed.¹²⁹ While seeming to be a high number, by comparison, 3.5 people die in automobile crashes every hour.¹³⁰

The number of LODDs significantly varies from year to year, as seen in Figure 3, which depicts the total number of LODDs from 1914–2014.¹³¹

¹²⁵ National Law Enforcement Officers Memorial Fund, *Preliminary 2014 Officer Fatalities Report* (Washington, DC: National Law Enforcement Officers Memorial Fund, 2014), <http://www.nleomf.org/assets/pdfs/reports/Preliminary-2014-Officer-Fatalities-Report.pdf>.

¹²⁶ Ibid.

¹²⁷ Michael Tooley et al., "The Media, the Public, and the Law Enforcement Community: Correcting Misperceptions," *Police Chief Magazine*, June 2009, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1828&issue_id=62009.

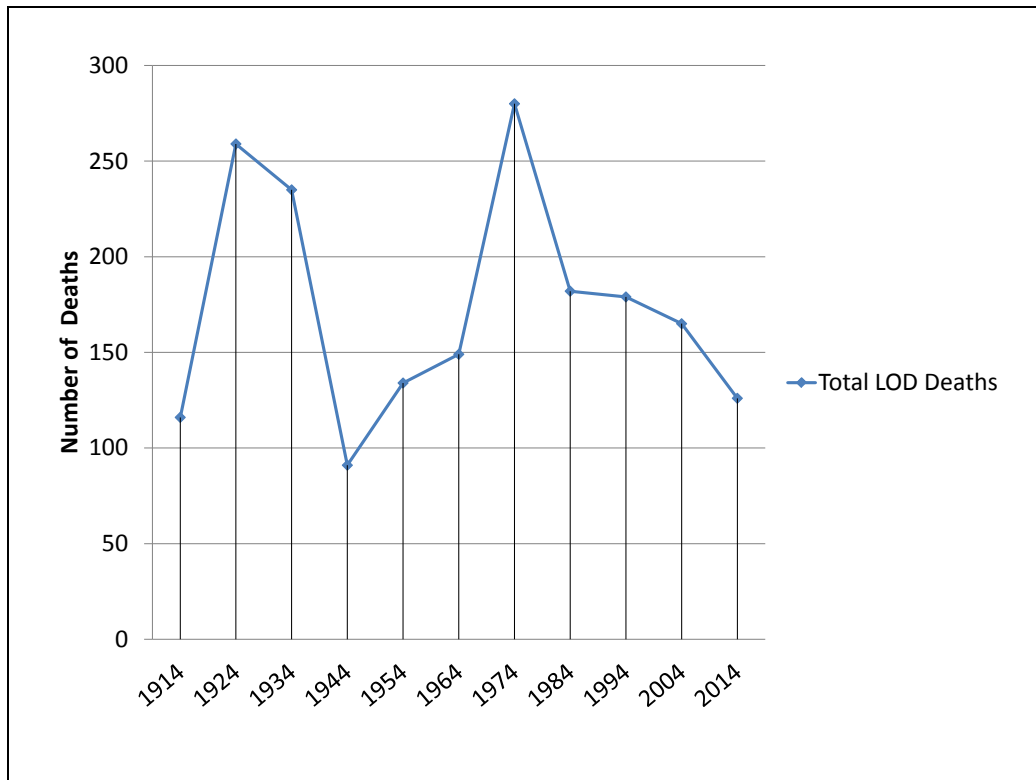
¹²⁸ "Law Enforcement Facts, Key Data about the Profession," accessed April 8, 2015, <http://www.nleomf.org/facts/enforcement/>.

¹²⁹ Ibid.

¹³⁰ "FARS Encyclopedia," accessed July 8, 2015, <http://www-fars.nhtsa.dot.gov/Main/index.aspx>.

¹³¹ "Officer Deaths by Year," accessed April 8, 2015, <http://www.nleomf.org/facts/officer-fatalities-data/year.html>.

Figure 3. Total LOD Deaths from 1914–2014



From “Officer Deaths by Year,” accessed April 8, 2015, <http://www.nleomf.org/facts/officer-fatalities-data/year.html>.

This data set includes both felonious and non-felonious incidents (e.g., traffic incidents, job related illness/accidents, etc.). Despite the fact that the data do not show significant fluctuations in the statistics, the total number of LODDs resulting from all causes have been steadily declining since the high in 1974. The deadliest year was actually 1930 when 301 officers were killed.¹³²

The following analysis examines LODDs that resulted from felonious acts from 1987–2014. Those years were chosen because they correspond with the modern era of police militarization, which began in the 1980s during the “war on drugs.”¹³³ The primary source for this data is the FBI’s Uniform Crime Reports — Law Enforcement Officers Killed and Assaulted (LEOKA). The data were

¹³² “Law Enforcement Key Facts.”

¹³³ Hall and Coyne, “The Militarization of U.S. Domestic Policing,” 487.

organized by decade to coincide with the way in which the Federal Bureau of Investigation (FBI) published the data. It should be noted that some of the data do overlap.

1. Decade 1 Data (1987–1996)¹³⁴

- average number of felonious LODDs during this time period: (69.6)
- the year with the highest number of deaths was 1994: (79)
- the year with the fewest number of deaths was 1996: (55)
 - leading cause of death—Firearms

2. Decade 2 Data (1996–2005)¹³⁵

- average number of felonious LODDs for this time period: (57.5)
- the years with the highest number of deaths were 1997 and 2001: (70)
- the year with the fewest number of deaths was 1999: (42)
 - leading cause of death—Firearms

3. Decade 3 Data (2004–2013)¹³⁶

- the average number of felonious LODDs for this time period: (51)
- the year with the highest number of deaths was 2011: (72)
- the year with the fewest number of deaths was 2013: (27)
 - leading cause of death—Firearms

According to preliminary data for 2014, 126 police officers were killed in the line of duty.¹³⁷ This number was a 24 percent increase from 2013. Of those

¹³⁴ FBI, *Law Enforcement Officers Killed and Assaulted 1996* (Washington, DC: U.S. Department of Justice, 1996), <http://www.fbi.gov/about-us/cjis/ucr/leoka/1996/leoka96.pdf>.

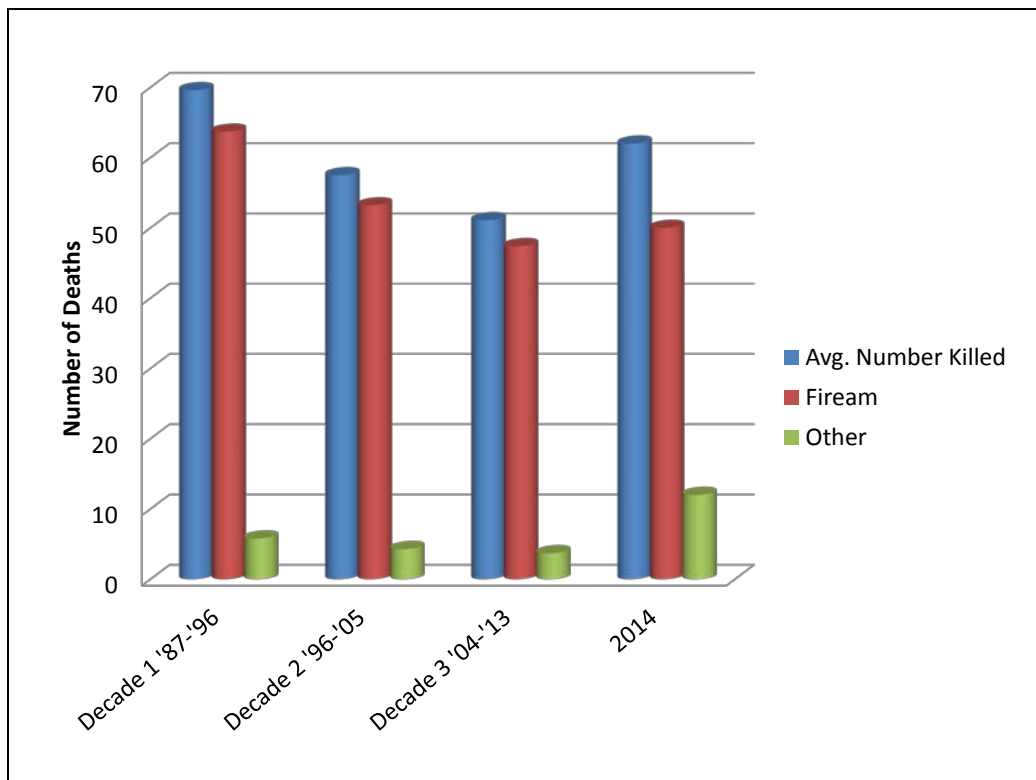
¹³⁵ “Feloniously Killed-LEOKA 05,” 2005, <http://www2.fbi.gov/ucr/killed/2005/feloniouslykilled.htm>.

¹³⁶ “2013 LEOKA Home,” accessed March 22, 2015, <http://www.fbi.gov/about-us/cjis/ucr/leoka/2013/leoka-home>.

¹³⁷ National Law Enforcement Officers Memorial Fund, *Preliminary 2014 Officer Fatalities Report*.

killed, 62 were the result of felonious incidents, while 50 were firearms related. This number was a significant increase from 2013. It is too early to determine whether the increases seen in 2014 are indicative of a reversal of the downward trend in LODDs due to felonious actions seen in the previous three decades. See Figure 4.

Figure 4. LEO Feloniously Killed Decade Comparison + 2014



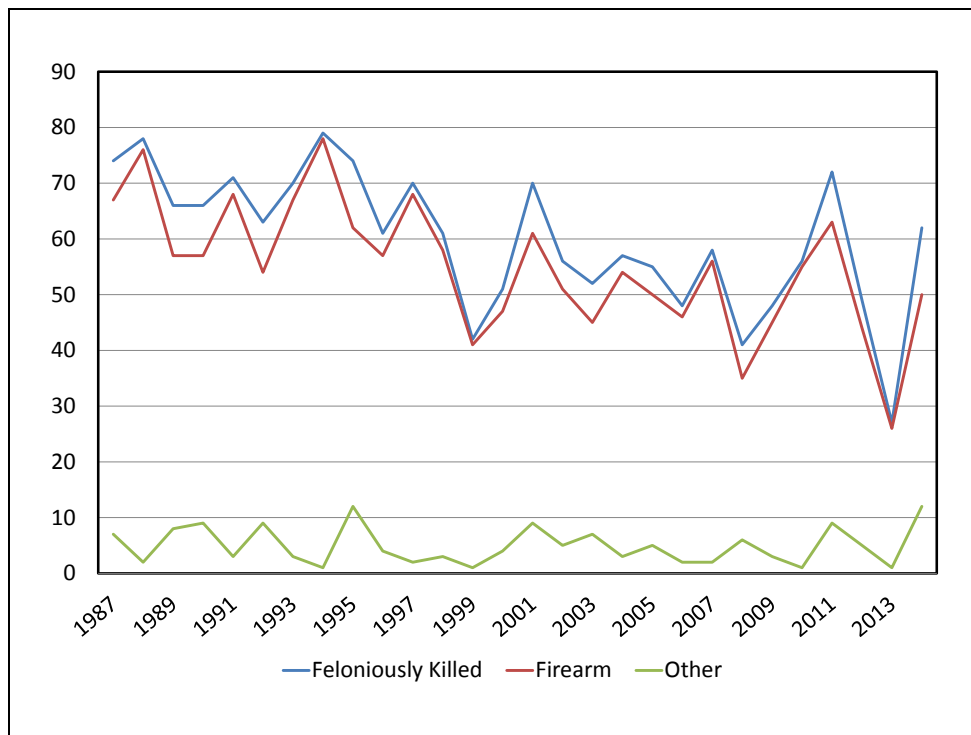
After "UCR Publications," accessed May 20, 2015, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>.

One of the factors that accounts for some of the increase in LODDs in 2014 was the significant increase in ambush attacks. This type of attack jumped from five incidents in 2013 to 15 incidents in 2014.¹³⁸ These types of attacks are the most concerning to police officers because they are so difficult to prevent.

¹³⁸ National Law Enforcement Officers Memorial Fund, *Preliminary 2014 Officer Fatalities Report*.

Another area of concern is firearms. Firearms have historically been the proximate cause of the vast majority of LODDs from felonious action. As seen in Figure 5, firearms accounted for an average of 92 percent of the felonious LODD fatalities. This number is not surprising since the United States has the highest rate of gun ownership in the world. It is estimated that there are approximately 90 guns for every 100 people in the United States.¹³⁹ It is also worth noting that firearms related fatalities jumped 56 percent from 2013 to 2014. Handguns remain the weapon most often used. From 2004 to 2013, handguns accounted for 67.5 percent of LODDs from felonious action. Rifles accounted for 17 percent.¹⁴⁰

Figure 5. LOD Felonious Death (Firearms) 1987–2014



After "UCR Publications," accessed May 20, 2015, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>.

¹³⁹ "Highlight: Research Note 9: Estimating Civilian Owned Firearms," accessed April 9, 2015, <http://www.smallarmssurvey.org/about-us/highlights/highlight-research-note-9-estimating-civilian-owned-firearms.html>.

¹⁴⁰ "2013 LEOKA Home."

In summary, LODDs due to felonious action have fluctuated greatly during the last 100 years. The last three decades have experienced an overall downward trend, perhaps the result of the increased use and effectiveness of body armor.¹⁴¹ Firearms continue to be the leading cause of felonious LODDs. Firearms incidents and ambush attacks both experienced sharp increases in 2014. While it is difficult to say that a new trend is emerging based on the 2014 data, it is nevertheless concerning.

B. ASSAULTS ON LAW ENFORCEMENT

Another important measure of the level of violence police officers face is the number of assaults on law enforcement. Again, the data is divided into three consecutive decades.

- Decade 1 (1987–1996)¹⁴²
 - the average number of assaults on police officers: (63,409.2)
- Decade 2 (1994–2004)¹⁴³
 - the average number of assaults dropped: (56,694.8)
- Decade 3 (2004–2013)¹⁴⁴
 - the average number of assaults increased: (57,344.6)

Despite the slight increase for the decade, assaults have been declining since 2009. See Figure 6.

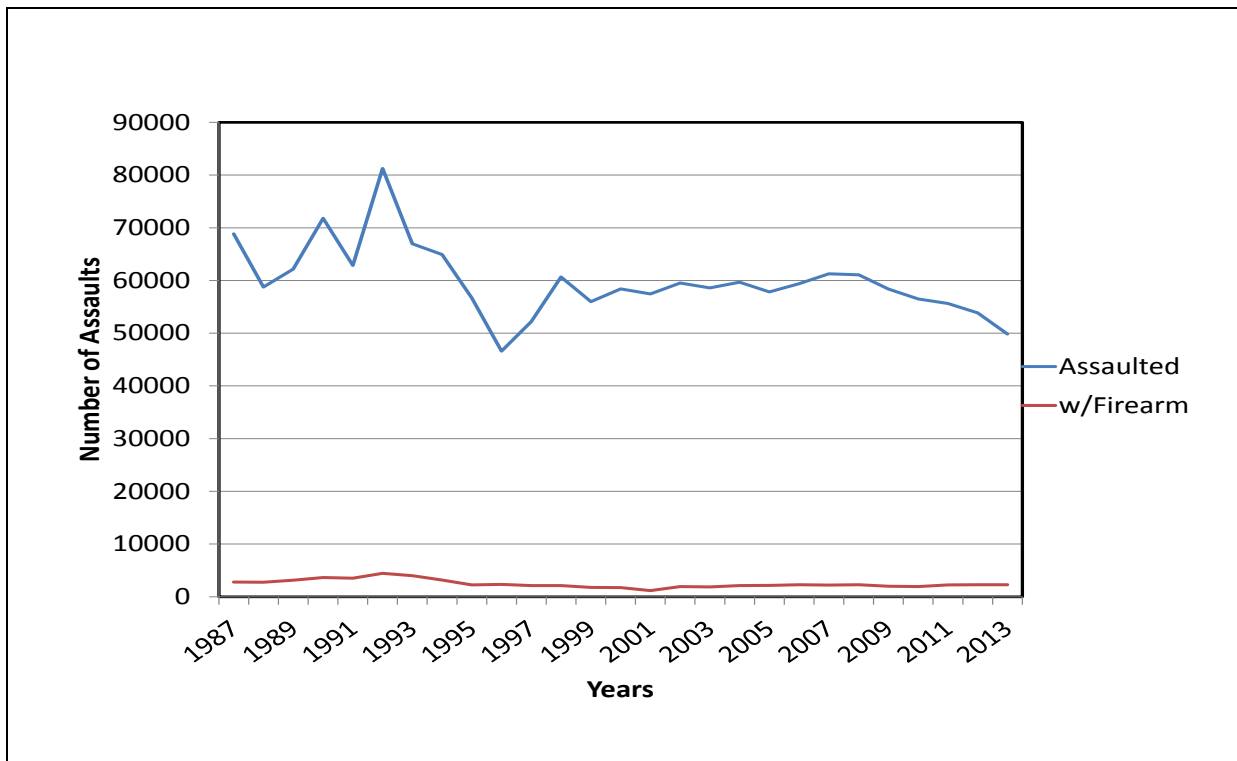
¹⁴¹ “Body Armor.”

¹⁴² FBI, *Law Enforcement Officers Killed and Assaulted 1996*.

¹⁴³ “Officers Assaulted 2004,” accessed April 5, 2015, <http://www2.fbi.gov/ucr/killed/2004/section2.htm>.

¹⁴⁴ “Officers Assaulted 2013,” accessed April 5, 2015, http://www.fbi.gov/about-us/cjis/ucr/leoka/2013/officers-assaulted/assaults_topic_page_-2013.

Figure 6. LEO Assaulted 1987–2013



After “UCR Publications,” accessed May 20, 2015, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>.

It should be noted that the total number of police officers in the United States during these three decades also increased from about 570,000 in 1986¹⁴⁵ to about 765,000 in 2008.¹⁴⁶ To account for this variable, the assault rate on police officers was also factored into the analysis. Overall, the assault rate on police officers (calculated as the number of assaults per 100 officers) has steadily declined since 2004.¹⁴⁷ In 2004, the assault rate was 11.9. By 2013, the assault rate had dropped to 9.3. See Figure 7. However, the injury rate during

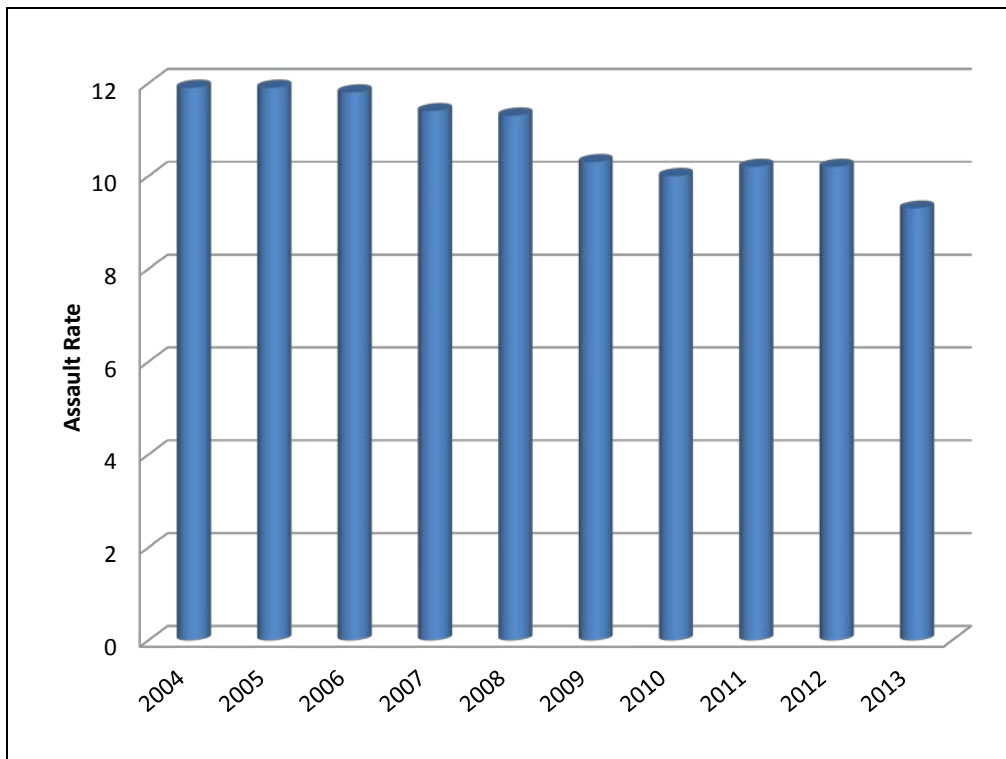
¹⁴⁵ Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 1992* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 1993), 1, <http://www.bjs.gov/content/pub/pdf/cslla92.pdf>.

¹⁴⁶ Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 2008* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2011), 1, <http://www.bjs.gov/content/pub/pdf/cslla08.pdf>. (2008 is the last comprehensive data set available through BJS.)

¹⁴⁷ “Officers Assaulted 2013.”

that time period has steadily been increasing from a low in 2007 of 25.9 percent to a high in 2013 of 29.2 percent. This number could indicate that the types of assaults have become more violent. The number of assaults with all types of weapons (firearms, cutting instruments, other dangerous weapons, and personal weapons) has also been increasing from 2004 to 2013.¹⁴⁸

Figure 7. LEO Assault Rate 2004–2013



After “UCR Publications,” accessed May 20, 2015, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>.

Despite the downward trend in assaults on police officers, the numbers remain high. For example, the total number of assaults on police officers in 2004 was 59,373.¹⁴⁹ In 2013, that number had fallen 49,851. While encouraging, the fact remains that more than nine out of every 100 police officers in the United

¹⁴⁸ “Officers Assaulted Table 70,” accessed April 8, 2015, http://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table_70_leos_asltd_type_of_weapon_and_percent_injured_2004-2013.xls.

¹⁴⁹ “Officers Assaulted 2004.”

States was the victim of an assault in 2013.¹⁵⁰ However, an important variable is missing in this brief analysis. Law enforcement officers are trained and often able to diffuse volatile situations, and prevent or minimize violence outcomes.¹⁵¹ When trying to understand how police view the dangers of policing, the number of police/citizen contacts that were potentially violent must be considered in addition to those that resulted in violence. These encounters also have a profound psychological effect on police officers, one that is difficult to quantify, but no less important.

C. VIOLENT CRIME RATES

Attacks directed against law enforcement are not the only types of violence police officers encounter. Police officers are routinely required to investigate violent crimes. Responding to these violent incidents, especially those involving domestic violence, can be extremely dangerous.¹⁵²

It is, therefore, valuable to analyze violent crime trends for a similar time period to determine accurately the total level of violence to which police officers are exposed. For statistical purposes, the FBI defines violent crime as those offenses that involve force or threat of force, and include murder and non-negligent manslaughter, rape, robbery, and aggravated assault.¹⁵³ Based on data obtained from the FBI, 1,483,999 reported violent crimes occurred in the United States in 1987. Violent crime rates climbed steadily to a peak of 1,932,274 in 1992 before starting a downward trend. Violent crime rates generally decreased from 1994 to 1999.¹⁵⁴ The rates then remained relatively

¹⁵⁰ "Officers Assaulted 2013."

¹⁵¹ Police Executive Research Forum, *An Integrated Approach to de-Escalation and Minimizing Use of Force* (Washington, DC: Police Executive Research Forum, 2012).

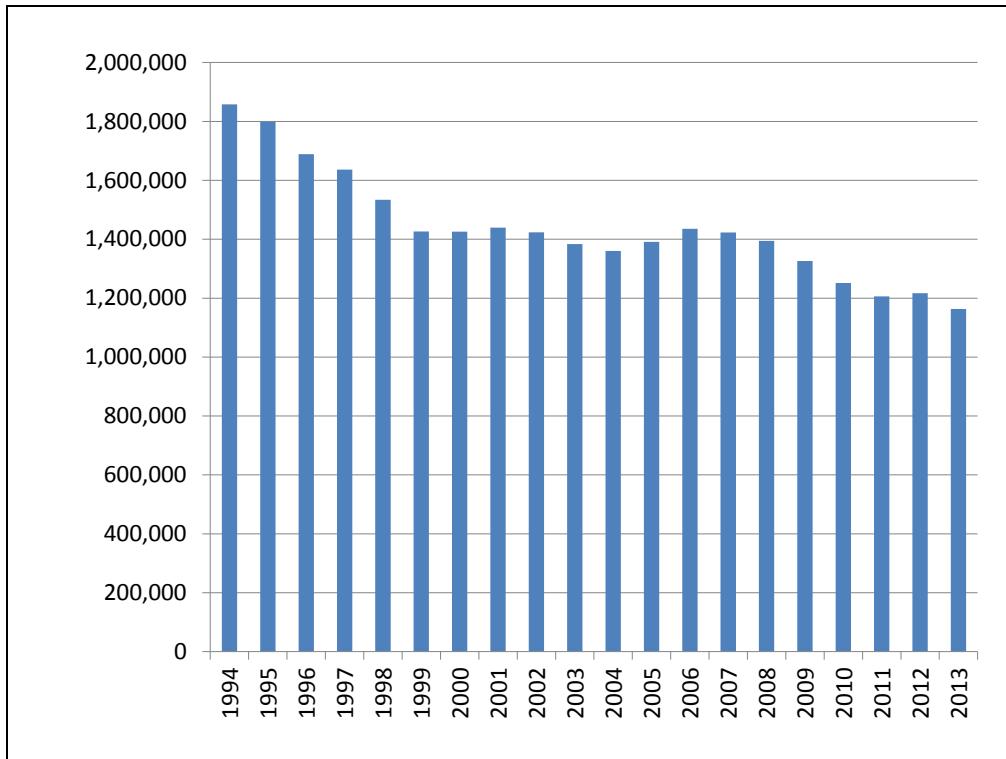
¹⁵² Shannon Meyer and Randall H. Carroll, "When Officers Die: Understanding Deadly Domestic Violence Calls for Service," *The Police Chief*, May 2015, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2378&issue_id=52011.

¹⁵³ "UCR Offense Definitions," accessed May 19, 2015, <http://www.ucrdatatool.gov/offenses.cfm>.

¹⁵⁴ "Crime—National or State Level. One Year of Data," accessed May 19, 2015, <http://www.ucrdatatool.gov/Search/Crime/State/OneYearofData.cfm>.

unchanged until 2007. Since 2009, violent crime rates have dropped 12.3 percent.¹⁵⁵ See Figure 8.

Figure 8. Number of Violent Crimes 1994–2013



After “UCR Publications,” accessed May 20, 2015, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>.

D. SIGNIFICANCE OF DATA

While these statistical reductions in crime seem significant, interpreting the data accurately can be rather challenging. One concern is that these crime statistics are only a measure of those crimes actually reported to a law enforcement agency. The frequency and likelihood that people report crimes are affected by a variety of factors. Research by Wesley Skogan found, “In every jurisdiction there is a great deal of unreported crime—even in the most “civil”

¹⁵⁵ “Violent Crime 2013,” accessed April 19, 2015, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/violent-crime-topic-page/violentcrimemain_final.

places, where cooperation with the police is presumed to be high-and everywhere the decision to report seems to be determined by a rational calculus regarding the cost and benefit of such action.”¹⁵⁶ Unfortunately, crime is substantially underreported in many of the most vulnerable neighborhoods due to a mistrust of the police. This mistrust can create difficulty for the police as they attempt to address the violent crime problem. Skogan went on to state, “If the poor, racial minorities and those who feel systemically mistreated by the police are less willing to report their experiences, all of the consequences of nonreporting also will accrue to their disadvantage.”¹⁵⁷

Data from the Bureau of Justice Services (BJS) seems to support the notion that a significant amount of violent crime goes unreported. Since 1973, the BJS has conducted the National Crime Victimization Survey (NCVS). Meant to compliment Uniform Crime Reporting (UCR) data, the NCVS uses surveys to capture data on unreported crimes.¹⁵⁸ According to NCVS data for 2013, the violent crime rate was 23.2 per 1,000.¹⁵⁹ The actual reported violent crime rate based on FBI UCR data in 2013 was 3.67 per 1,000.¹⁶⁰ Even considering the marginal errors inherent in survey data, the discrepancy in these values indicates a large number of violent crimes may go unreported. The NCVS data also portrays a different trend than the UCR data. In 2004, NCVS data reported the violent crime rate at 21 per 1,000.¹⁶¹ By 2013, this rate had risen to 23.2, which indicated that violent crime had actually increased during this time period. However, the FBI UCR data reported a violent crime rate of 4.65 per 1,000 in

¹⁵⁶ Wesley G. Skogan, “Reporting Crimes to the Police: The Status of World Research,” *Journal of Research in Crime and Delinquency* 21, no. 2 (May 1, 1984): 113–37, doi:10.1177/0022427884021002003.

¹⁵⁷ *Ibid.*, 115–116.

¹⁵⁸ “National Crime Victimization Survey (NCVS),” accessed May 19, 2015, <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=245#Methodology>.

¹⁵⁹ “Criminal Victimization, 2013 (Revised),” accessed May 19, 2015, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5111>.

¹⁶⁰ “Violent Crime 2013.”

¹⁶¹ Shannan Catalano, “Criminal Victimization, 2004,” September 2005, <http://bjs.gov/content/pub/pdf/cv04.pdf>.

2004, which signified a reduction in violent crime.¹⁶² The data also indicates that the number of unreported violent crimes may be increasing.

Many crimes go unreported for a number of reasons. One of the growing reasons may be related to the burgeoning immigrant population. Research suggests that certain minority groups are often less likely to report crime to the police. Robert Davis and Nicole Henderson explore the relationship between police and minority communities in an article entitled, “Willingness to Report Crimes: The Role of Ethnic Group Membership and Community Efficacy.” In this article, they discuss the inherent distrust many minority groups have of police and how it affects their likelihood to report crimes. Many of the people from these immigrant communities “come to this country with a strong distrust of authority and without an understanding about the role of police in a democratic society.”¹⁶³

In 2013, nearly a million people were granted permanent legal residence in the United States.¹⁶⁴ The top country of origin was Mexico (14 percent). That same year, almost 800,000 people became naturalized citizens.¹⁶⁵ The top country of origin was Mexico (12.7 percent). In 2012, it was estimated that 11.4 million unauthorized immigrants were living in the United States. The top country of origin was Mexico (59 percent).¹⁶⁶ According to the U.S. Census Bureau, in 2010, 50.5 million Hispanics were living in the United States, approximately 16

¹⁶² “Violent Crime—Crime in the United States 2004,” accessed May 20, 2015, http://www2.fbi.gov/ucr/cius_04/offenses_reported/violent_crime/index.html.

¹⁶³ Robert C. Davis and Nicole J. Henderson, “Willingness to Report Crimes: The Role of Ethnic Group Membership and Community Efficacy,” *Crime & Delinquency* 49, no. 4 (October 1, 2003): 2, doi:10.1177/0011128703254418.

¹⁶⁴ Randall Monger and James Yankay, “U.S. Lawful Permanent Residents: 2013,” DHS Office of Immigration, May 2014, 1, http://www.dhs.gov/sites/default/files/publications/ois_lpr_fr_2013.pdf.

¹⁶⁵ James Lee and Katie Foreman, *U.S. Naturalizations: 2013* (Washington, DC: Department of Homeland Security, 2014), 1, http://www.dhs.gov/sites/default/files/publications/ois_natz_fr_2013.pdf.

¹⁶⁶ Bryan Baker and Nancy Rytina, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012* (Washington, DC: Department of Homeland Security, 2013), 1, http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf.

percent of the total population.¹⁶⁷ National surveys indicate that the Hispanic community harbors considerable feelings of distrust for law enforcement.¹⁶⁸ This distrust could mean that a significant portion of the population is apprehensive to report crimes to the police. As relations between the police and other segments of the population erode, similar reductions in crime reporting could be expected, which makes crime data even more unreliable.

Another significant problem with the statistics on violent crime is that they are not representative. Each jurisdiction and every police department faces its own unique challenges when it comes to violent crime and threats to police officers. According to an article by the Police Executive Research Forum entitled, “Violent Crime in America “A Tale of Two Cities,” crime rates have become unstable. Despite national decreases in violent crime during the 1990s and 2000s, pockets of the country experienced significant increases:

In 2005 and 2006, violent crime levels nationwide increased, and some cities experienced double digit or even triple-digit percentage increases in homicides and other violence. In some jurisdictions, the changes were startling: For example, Boston experienced a 10-year high in its number of homicides. In Cincinnati, the number of homicides was the highest in 20 years. Orlando, Fla. and Prince George’s County, Md. experienced *all-time* highs in murders.¹⁶⁹

Therefore, it is only marginally useful to consider national aggregate data when determining the level of violence experienced by police officers.

E. AMBUSH ATTACKS

Ambush attacks are of particular concern to law enforcement. According to the preliminary 2014 National Law Enforcement Officer Fatality Report, 15

¹⁶⁷ U.S. Census Bureau, *The Hispanic Population: 2010* (Washington, DC: U.S. Department of Commerce, 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf>.

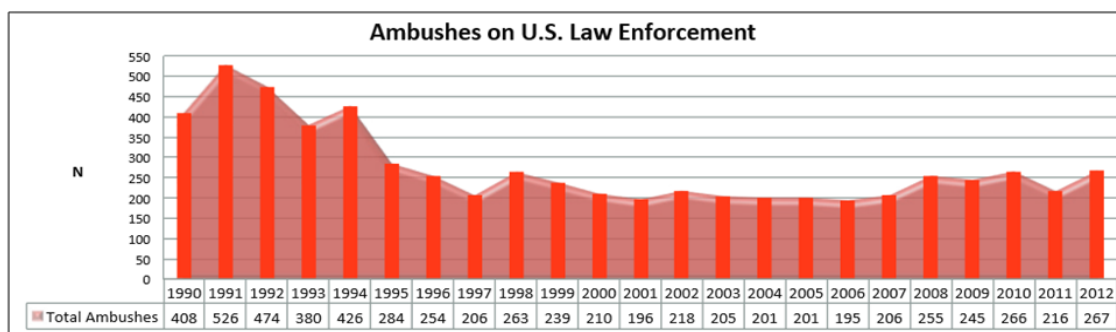
¹⁶⁸ Brenda Gazzar and Los Angeles Daily News, “Latino Distrust of Law Enforcement Runs High in National Survey,” accessed May 12, 2015, <http://www.dailynews.com/government-and-politics/20141228/latino-distrust-of-law-enforcement-runs-high-in-national-survey>.

¹⁶⁹ Police Executive Research Forum and National Violent Crime Summit, eds., *Violent Crime in America: “A Tale of Two Cities* (Washington, DC: Police Executive Research Forum, 2007), iii.

officers were killed in ambush style attacks. This number was a significant increase from 2013 in which five officers were killed in ambush attacks. Speaking about this trend, Attorney General Eric Holder stated, "These troubling statistics underscore the very real dangers that America's brave law enforcement officers face every time they put on their uniforms."¹⁷⁰

Overall, the statistics indicate a decline in the total number of ambush attacks on U.S. law enforcement between 1990 and 2012. The highest number of ambush attacks against law enforcement in the last 25 years occurred in 1991. The total number of ambush attacks remained fairly consistent from 1995 to 2012. See Figure 9.

Figure 9. Ambushes on U.S. Law Enforcement



From "IACP Ambush Fact Sheet," accessed May 12, 2015, http://www.theiacp.org/Portals/0/documents/pdfs/Ambush_Project/IACP_Ambush_Fact_Sheet.pdf.

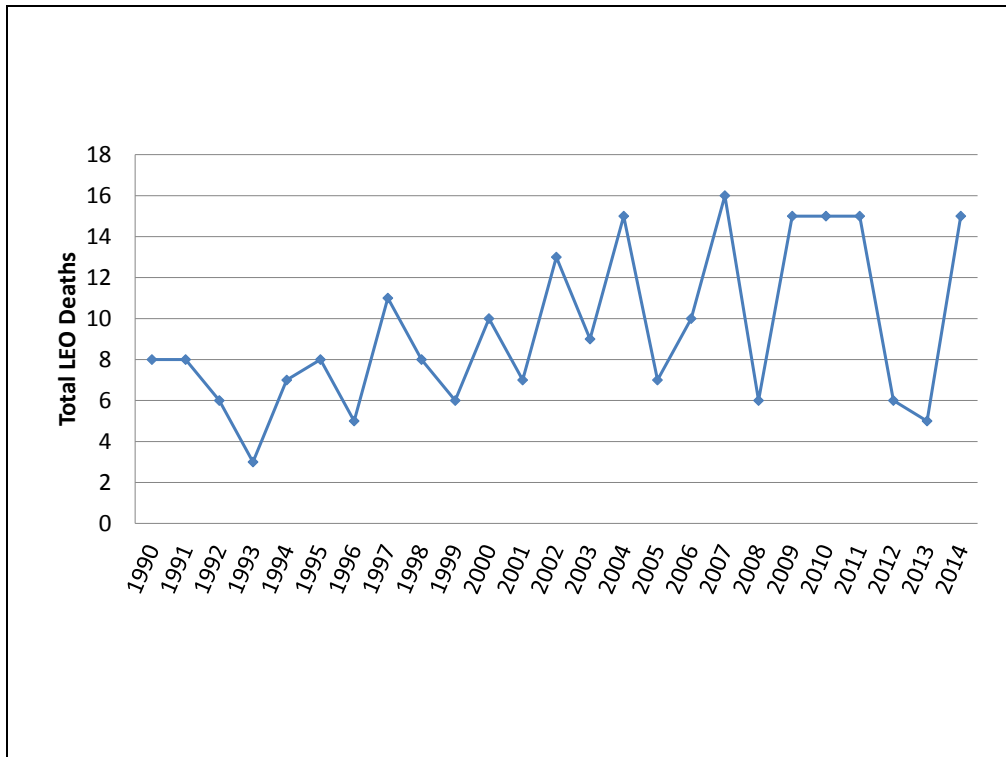
However, an increasing number of law enforcement homicides have been classified as ambush attacks. From 1990 to 2000, 12 percent of police homicides were attributed to ambush attacks. From 2001 to 2012, the percentage jumped to 21 percent.¹⁷¹ The total number of law enforcement deaths from ambush attacks has trended up since 1990. After a 30-year low of five deaths in 2013, the

¹⁷⁰ Ashley Fantz, "Group: Officer Deaths by Firearms Up; Ambush Attacks Increase," *CNN*, December 30, 2014, <http://www.cnn.com/2014/12/30/justice/officer-ambush-attacks-increase/index.html>.

¹⁷¹ Fantz, "Group: Officer Deaths by Firearms Up; Ambush Attacks Increase."

number of ambush deaths of police officers significantly jumped in 2014. Of the 50 firearms related deaths in 2014, 15 were classified as ambush attacks.¹⁷² See Figure 10.

Figure 10. Ambush Deaths



After "UCR Publications," accessed May 20, 2015, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications>.

Many experts agree that ambush attacks represent one of the biggest threats to police officers because they are so hard to combat. According to the IACP, an ambush attack is comprised of four elements:

- element of surprise
- concealment of the assailants, their intentions, or weapon
- suddenness of the attack

¹⁷² National Law Enforcement Officers Memorial Fund, *Preliminary 2014 Officer Fatalities Report*.

- a lack of provocation¹⁷³

These elements make it extremely difficult for officers to recognize they are in potential danger and protect themselves. Also, the uncertainty involved in ambush attacks has the potential to cause great psychological harm to police officers.¹⁷⁴

F. ACTIVE SHOOTER INCIDENTS

Another disturbing trend and one that presents a unique problem for law enforcement is the proliferation of active shooter incidents. The FBI defines an active shooter as someone who “is actively engaged in killing or attempting to kill people in a confined and populated area.”¹⁷⁵ The use of a firearm is implied in the definition. According to the FBI, between 2000 and 2013, there have been at least 160 incidents nationwide that qualify as an active shooter event. These documented incidents have resulted in the deaths of 486 people and an additional 557 wounded. On average, 11.4 incidents occur annually.¹⁷⁶ The following list shows the incidents with the highest casualty counts:

- Cinemark Century 16 Theater in Aurora, Colorado
 - (12 killed, 58 wounded), July 20, 2012
- Virginia Polytechnic Institute and State University in Blacksburg, Virginia
 - (32 killed, 17 wounded), April 16, 2007
- Ft. Hood Soldier Readiness Processing Center in Ft. Hood, Texas
 - (13 killed, 32 wounded), November 5, 2009

¹⁷³ “IACP Ambush Fact Sheet.”

¹⁷⁴ Kevin Johnson, “Ambush Cop Killings Not Uncommon,” December 21, 2014, <http://www.usatoday.com/story/news/nation/2014/12/21/ambush-cop-killings/20731013/>.

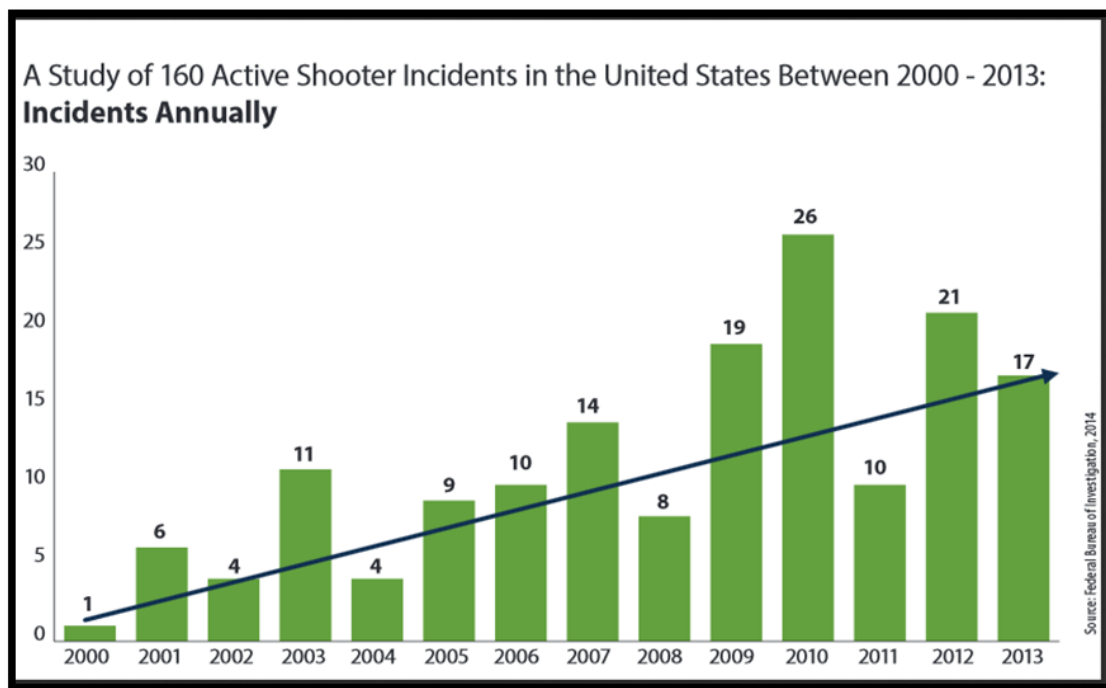
¹⁷⁵ “Active Shooter and Mass Casualty Incidents,” accessed March 22, 2015, <http://www.fbi.gov/about-us/cirg/active-shooter-and-mass-casualty-incidents/active-percent20shooter-percent20and-percent20mass-percent20casualty-percent20incidents>.

¹⁷⁶ “FBI Releases Study on Active Shooter Incidents,” accessed March 22, 2015, <http://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/fbi-releases-study-on-active-shooter-incidents>.

- Sandy Hook Elementary School and a residence in Newtown, Connecticut
 - (27 killed, 2 wounded), December 14, 2012

Unfortunately, while many other forms of violent crime have been declining for the last 10 years, active shooter incidents have been on the increase. As shown in Figure 11, the FBI determined that between 2000 and 2013, the average number of active shooter incidents per year increased from 6.4 to 16.4.¹⁷⁷

Figure 11. Average Number of Active Shooter Incidents Per Year between 2000 and 2013



From J. Pete Blair and Katherine W. Schweit, "A Study of Active Shooter Incidents, 2000–2013" (Texas University and Federal Bureau of Investigation, 2014), 20, <http://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/pdfs/a-study-of-active-shooter-incidents-in-the-u.s.-between-2000-and-2013>.

¹⁷⁷ J. Pete Blair and Katherine W. Schweit, "A Study of Active Shooter Incidents, 2000–2013" (Texas University and Federal Bureau of Investigation, 2014), 20, <http://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/pdfs/a-study-of-active-shooter-incidents-in-the-u.s.-between-2000-and-2013>.

These incidents have had a profound impact on law enforcement. For example, the April 20, 1999 mass shooting at Columbine High School in Colorado changed forever how law enforcement responds to such incidents. Prior to Columbine, the standard protocol for such situations was to secure the perimeter, contain the threat, and wait for a SWAT team. Unfortunately, 12 students and a teacher were killed during the 45 minutes it took the SWAT team to respond and intervene during the Columbine incident.¹⁷⁸

Following Columbine, law enforcement developed rapid response protocols that involve police officers immediately entering facilities in which an active shooting is taking place in an attempt to neutralize the threat as quickly as possible. Although this type of police response is necessary to save lives, it is also very dangerous. In the 45 documented active shooter incidents in which law enforcement arrived in time to intercede, police officers suffered casualties in 46.7 percent of the incidents, including nine deaths.¹⁷⁹ Even with the rapid response protocols in place, 40.6 percent of the incidents ended prior to the arrival of law enforcement. The majority of the incidents (69 percent) ended in five minutes or less, while half ended in less than two minutes.¹⁸⁰

Although these incidents are rare, police officers nationwide are being trained in rapid response protocols. This training places the burden to intervene during these dangerous situations on everyday police officers, not highly trained and equipped SWAT members. Current response protocols include the application of deadly force as a primary means to save lives.¹⁸¹ This use of force has led many police departments to equip officers with some sort of military style

¹⁷⁸ "Columbine High School Shootings—Facts & Summary," accessed March 22, 2015, <http://www.history.com/topics/columbine-high-school-shootings>.

¹⁷⁹ Blair and Schweit, "A Study of Active Shooter Incidents, 2000–2013," 20.

¹⁸⁰ *Ibid.*, 8.

¹⁸¹ Solomon Banda, "Shoot First: How Columbine Tragedy Radically Transformed Police Tactics," *The Huffington Post*, May 20, 2009, http://www.huffingtonpost.com/2009/04/19/shoot-first-how-columbine_n_188685.html.

weapon, usually a rifle, to respond to these incidents effectively.¹⁸² These weapons are more effective at stopping violent offenders because of their high muzzle velocities and can be fired much more accurately under stress.¹⁸³

G. SUMMARY

This analysis has proven there to be minimal value in aggregate national data on violence. National trends are not representative. Many places in the United States are experiencing unprecedented levels of violence despite decreasing violence nationally.¹⁸⁴ Also, because the data only reflects reported crime, it fails to accurately capture the true threat of violence in a community. The perceived threat, experienced by both the public and the police, is an important factor when determining the level of response necessary to deal with violence in a community.

Law enforcement must also be prepared to deal with other types of violence that were beyond the scope of this analysis but are equally as important. These types of violence include threats from terrorism and homegrown violent extremism (HGVE). Of particular concern are lone wolf attacks that accounted for 74 percent of the documented domestic terrorism cases from April 1, 2009 to February 1, 2015.¹⁸⁵ Burton and Stewart define a lone wolf as “a person who acts on his or her own without orders from—or even connections to—an organization.”¹⁸⁶ Although instances of both lone wolf and HGVE attacks are rare, law enforcement must be prepared to deal with them.

¹⁸² “The Rifle in Your Patrol Vehicle,” accessed May 20, 2015, <http://www.officer.com/blog/10795931/the-rifle-in-your-patrol-vehicle>.

¹⁸³ The International Association of Chiefs of Police, “The Patrol Rifle: Considerations for Adoption and Use,” *The Police Chief*, February 2007.

¹⁸⁴ Police Executive Research Forum and National Violent Crime Summit, *Violent Crime in America*.

¹⁸⁵ Ryan Lenz and Mark Potok, “The Age of the Wolf” (Montgomery, AL: Southern Poverty Law Center, 2015), 4, <http://www.splcenter.org/lone-wolf>.

¹⁸⁶ Fred Burton and Scott Stewart, “The ‘Lone Wolf’ Disconnect,” *Security Weekly*, January 30, 2008, https://www.stratfor.com/weekly/lone_wolf_disconnect.

A final consideration when examining violence in the United States is the prevalence of firearms. As stated previously, the United States has the highest rate of gun ownership in the world (.90 guns per capita).¹⁸⁷ Law enforcement must continually contend with this fact as they perform their duties. Law enforcement officials often cite the sheer number of weapons and types of weapons available to the public as the reason they have accumulated high-powered weapons of their own.¹⁸⁸ The police found themselves woefully ill equipped during numerous violent incidents to handle them effectively. Several of the most impactful incidents were the subject of an article that appeared in *Police Magazine* entitled, “5 Gunfights that Changed Law Enforcement.”¹⁸⁹ The conclusion of the article is that the police cannot rely on SWAT teams to intervene in every dangerous situation. Similar to the response protocols for active shooter incidents, all police officers must be trained and equipped to deal with a myriad of situations including low probability—high consequence events. One of the challenges facing police leaders and at the heart of the police militarization debate is balancing the ability to mitigate these types of events, while maintaining traditional-community-based policing methods.

One fact cannot be argued. Violence in the United States exists and the police are charged with mitigating it. In doing so, the police themselves have increasingly become targets. The collective psychological consequence of this reality is the subject of the next chapter.

¹⁸⁷ “Annexe 4. The Largest Civilian Firearms Arsenals for 178 Countries,” accessed March 6, 2015, <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/Small-Arms-Survey-2007-Chapter-02-annexe-4-EN.pdf>.

¹⁸⁸ Fisher, *SWAT Madness and the Militarization of the American Police*, 7.

¹⁸⁹ Paul Clinton, “5 Gunfights That Changed Law Enforcement,” *Police Magazine*, May 4, 2011, <http://www.policemag.com/channel/patrol/articles/2011/05/5-gunfights-that-changed-law-enforcement.aspx>.

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IV. LAW ENFORCEMENT'S SOCIALLY CONSTRUCTED REALITY OF VIOLENCE

The previous chapter was a statistical analysis designed to quantify the current level of reported violence affecting law enforcement. It is an important analysis related to the topic of police militarization since much of modern policing is driven by data.¹⁹⁰ The analysis indicates that violence has generally decreased during the last three decades. The number of law enforcement officers killed and/or assaulted in the line of duty appears to be trending down.¹⁹¹ Reported incidents of violent crime are also dropping.¹⁹² The number of ambush attacks has leveled after a significant drop in the early 1990s.¹⁹³ It is too early to tell if the recent spike in ambush attacks is indicative of a trend. The only category of violence experiencing an increase is active shooter incidents, yet these incidents are still extremely rare events.¹⁹⁴

Despite these trends, many in the law enforcement community have justified police militarization as a necessary response to an increasingly dangerous and violent society.¹⁹⁵ If a direct (inverse) correlation exists between police militarization and violence, a corresponding decrease should have occurred in militarization commensurate with the decrease in violence during the last three decades. However, the literature on the subject indicates that the level of police militarization has actually increased during that time period.¹⁹⁶ Experts

¹⁹⁰ "Data-Driven Approaches to Crime and Traffic Safety," *National Institute of Justice*, accessed June 7, 2015, <http://nij.gov/topics/law-enforcement/operations/traffic/Pages/ddacts.aspx>.

¹⁹¹ "Officer Deaths by Year."

¹⁹² "Crime In The United States—Table 1," accessed April 19, 2015, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/1tabledatadecoverviewpdf/table_1_crime_in_the_united_states_by_volume_and_rate_per_100000_inhabitants_1994-2013.xls.

¹⁹³ "IACP Ambush Fact Sheet."

¹⁹⁴ Blair and Schweit, "A Study of Active Shooter Incidents, 2000–2013."

¹⁹⁵ "The Justified 'Militarization' of America's Police."

¹⁹⁶ Radley Balko, *Overkill: The Rise in Paramilitary Police Raids in America* (Washington, DC: Cato Institute, 2006).

point to the war on drugs in the 1980s, the war on crime in the 1990s, and the war on terror in the 2000s as the impetus for much of the modern increases in militarization.¹⁹⁷ Another potential indication of increased militarization is the fact that the federal government has transferred \$2.75 billion dollars' worth of excess military equipment to law enforcement agencies in just the last five years.¹⁹⁸

A number of potential explanations for this apparent contradiction are possible, many of which are beyond the scope of this analysis. This chapter addresses the psychosocial reasons why the statistics on violence have little impact on how law enforcement perceives the threat of violence or the tactics they employ to mitigate that threat. The following analysis posits that law enforcement's perceptions of violence are strongly influenced by their social identity. This socialized emersion in violence results in a constructed reality of the threats they face, which is reinforced through training and the media.

A. SOCIAL IDENTITY

One of the factors that dictate how individuals, including police officers, perceive and interact in the world is their identity. Identity is simply how people see themselves in relation to others.¹⁹⁹ Numerous factors work in concert to form people's identity, but psychologists agree that it is primarily a social process. Peter Berger and Thomas Luckman state, "Identity is formed by social processes. Once crystallized, it is maintained, modified, or even reshaped by the social relations."²⁰⁰ According to Henri Tajfel, social identity is "that part of an individual's self-concept which derives from his knowledge of his membership in a social group (or groups) together with the value and emotional significance

¹⁹⁷ Hall and Coyne, "The Militarization of U.S. Domestic Policing," 486.

¹⁹⁸ Executive Office of the President, *Review: Federal Support for Local Law Enforcement Equipment Acquisition*, 7.

¹⁹⁹ David W. Brannan, Kristin M. Darken, and Anders Strindberg, *A Practitioner's Way Forward: Terrorism Analysis* (Salinas, CA: AgilePress, 2014), 66.

²⁰⁰ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Anchor, 1967), 173.

attached to that membership.”²⁰¹ Therefore, people’s identities are formed through their engagement with others and can change over time as they interact with the social environment.

A key factor in determining the strength of a group’s social identity is the process of social categorization.²⁰² This process is rooted in a group’s natural desire to create a separate and distinct identity. Fathali Moghaddan writes, “At the foundation of intergroup relations is the basic process of categorizing the world and identifying individuals as belonging to different groups. By changing how the social world is categorized, we could alter group membership and intergroup relations.”²⁰³ In other words, even though many groups are composed of dissimilar individuals (i.e., ethnicity, culture, race, etc.) the group tends to minimize those differences in favor of the group’s identity. Interestingly, the opposite happens to the perception of those outside the group. Moghaddan writes, “Similarly, people come to see themselves as members of groups that are in fundamental respects different from other groups, but actually in many cases the intergroup differences are minor. This narcissism of minor differences involves the construction of differences even when objectively there are none.”²⁰⁴ Specifically, members of the in-group exaggerate differences in those outside of the group identity (out-group).

The categorization process is particularly pronounced in law enforcement and serves to make the group identity very strong. Police officers often separate the social environment into two distinct categories, police and everyone else.²⁰⁵ In an article entitled, “From Here On Out, We’re All Blue; Interaction Order,

²⁰¹ Henri Tajfel, “Social Categorization, Social Identity and Social Comparison,” in *Differentiation between Social Groups: Studies in the Social Psychology of Intergroup Relations*, ed. Henri Tajfel (London: Academic Press, 1978), 61–76.

²⁰² Tajfel, *Social Identity and Intergroup Relations*, 16–40.

²⁰³ Fathali M. Moghaddam, *Multiculturalism and Intergroup Relations: Psychological Implications for Democracy in Global Context*, 1st ed. (Washington, DC: American Psychological Association, 2007), 29.

²⁰⁴ *Ibid.*, 50.

²⁰⁵ John P. Crank, *Understanding Police Culture* (London, UK: Routledge, 2010).

Social Infrastructure, and Race in Police Socialization,” Norman Conti and Patrick Doreian discuss the effect of the socialization process in law enforcement. They write, “This socialization process also generates an intense sense of loyalty to the occupational group along with animosity towards civilians and administrators.”²⁰⁶

Evidence suggests that the socialized group identity and categorization process also begins to form the basis for an individual’s perception of the world. Miles Hewstone and Jos M. F. Jaspars write, “For Man ‘knows’ the world, not simply in terms of interpersonal encounters, but also in terms of the changing relations of large-scale social categories. These social groupings are fundamental to our social identity and to the social reality that we actively cognize.”²⁰⁷ Referring to how Americans perceive violence in a social context, Henry Brownstein writes:

Violence has been socially constructed in the United States in response to various claims made about what violence is, where it is found, who is affected by it, and so on. Those claims have been made by a wide variety of claims makers—not only people we know personally or the mass media—within various sociological and political contexts to give meaning to particular acts, action, or activity as violent.²⁰⁸

These socialized categories can also be a strong influence on how members of the group behave. John Turner writes, “a social group can be usefully conceptualized as a number of individuals who have internalized the same social category membership as a component of their self-concept...group behavior can be seen as casually dependent on the functioning of such shared social identifications.”²⁰⁹ As the group achieves distinctiveness, the group’s

²⁰⁶ Norman Conti and Patrick Doreian, “From Here on Out, We’re All Blue: Interaction Order, Social Infrastructure, and Race in Police Socialization,” *Police Quarterly* 17, no. 4 (December 1, 2014): 419, doi:10.1177/1098611114552726.

²⁰⁷ Tajfel, *Social Identity and Intergroup Relations*, 125.

²⁰⁸ Henry H. Brownstein, *The Social Reality of Violence & Violent Crime* (Boston: Allyn & Bacon, 1999), 5.

²⁰⁹ Tajfel, *Social Identity and Intergroup Relations*, 36.

behavior is strongly affected by the group's new identity, which is determined by "its member's understanding of themselves and their group."²¹⁰

A number of factors affect the degree of influence that social identity has on the group. A particularly strong influence on group identification is having a set of shared experiences. Since the law enforcement community is large (according to BJS, in 2008, there were approximately 765,000 sworn police officers)²¹¹, it has a huge inventory of collective experiences that help define their identity. However, the type of experience is more important than the number of experiences. Moghaddam emphasizes that the emotional aspect of shared experiences makes the group bond so powerful.²¹² He goes on to suggest that social identity strongly influences how people think and interact with others and is significantly impacted by experiences and emotions related to the group.²¹³ Police officers tend to have a powerful emotional connection to the in-group due in part to those shared experiences.²¹⁴ It helps explain the strong social identity observed in the law enforcement community.

It is also important to understand the implication of those shared in-group experiences. Violent incidents have a pervasive effect on law enforcement. Anytime a police officer is killed, especially when it is the result of intentional violence, the psychological effects are experienced in every police department in the country. For example, New York Police Department (NYPD) Officer Brian Moore died on May 4, 2015, after being shot by a suspect two days earlier. Tens of thousands of police officers from around the country gathered in New York City to honor him during the funeral.²¹⁵ The attack on Officer Moore was not

²¹⁰ Brannan, Darken, and Strindberg, *A Practitioner's Way Forward*, 61.

²¹¹ Reaves, *Census of State and Local Law Enforcement Agencies*, 2008.

²¹² Moghaddam, *Multiculturalism and Intergroup Relations*, 90.

²¹³ Ibid.

²¹⁴ John M. Violanti, "Police Psychological Trauma," *Problems, Issues, and Challenges in Law Enforcement*, accessed May 12, 2015, <http://spiritofthelaw.org/sol1art12.html>.

²¹⁵ Ray Sanchez, "Funeral to Pay Tribute to NYPD Officer Brian Moore," *CNN*, May 8, 2015, <http://www.cnn.com/2015/05/08/us/new-york-police-officer-funeral/index.html>.

seen as an isolated incident, but rather a negative honor challenge directed at the entire in-group that demanded some sort of a response.²¹⁶ The massive gathering at Officer Moore's funeral by police officers from all over the country, most of whom did not know him personally, was a show of solidarity for the in-group. The accumulation of these incidents by the in-group adds to the collective sense of threat and feeling of isolation.²¹⁷

The perceived threat of a ubiquitous enemy is another significant factor that determines the degree of influence of law enforcement's social identity. Moghaddam writes, "The identification of an external target as a threat (e.g., to an army or church) channels negative energies toward an enemy outside and binds group members more tightly together inside."²¹⁸ For police officers, the enemy is not easy to identify. Certainly, those who have engaged in acts of violence might be considered the enemy. Nevertheless, police officers must also guard against those who may someday engage in violence. Even when dealing with subjects familiar to the police or those who have no criminal or violent history, the threat of an incident escalating into violence is present. Adding to the uncertainty is the fact that law enforcement frequently interact with individuals with mental illness.²¹⁹ Some studies indicate that 7 percent of all police contacts with the public involve someone with a form of mental illness.²²⁰ These incidents can become violent without warning or provocation. Police officers must live with the reality that each call for service could become violent so they are prepared when it happens.

²¹⁶ Bruce J. Malina, *The New Testament World: Insights from Cultural Anthropology* (Louisville, KY: Westminster John Knox Press, 2001), 39.

²¹⁷ Moghaddam, *Multiculturalism and Intergroup Relations*, 90.

²¹⁸ *Ibid.*, 57.

²¹⁹ H. Richard Lamb, Linda E. Weinberger, and Walter J. DeCuir Jr., "The Police and Mental Health," *Psychiatric Services*, 2014, 332, <http://ps.psychiatryonline.org/doi/10.1176/appi.ps.53.10.1266>.

²²⁰ Henry Steadman et al., "Police-mental Health System Interactions: Program Types and Needed Research," *Psychiatric Services* 50, no. 1 (1998): 99–101.

This uncertainty can drive police officers to view much of the public as a potential enemy.²²¹ Breckenridge and Zimbardo state, “Under conditions of uncertainty, emotionally evocative events are more easily imagined and more readily available for cognitive processing.”²²² Police officers deal with high degrees of uncertainty on a daily basis, as each call for service could potentially turn violent. Sustained levels of uncertainty result in high levels of stress and anxiety.²²³ This high degree of frequent uncertainty adds to the socially constructed view of violence that police officers share.

Another important factor in forming a strong social identity is the inherent desire to belong to groups with a “positive and distinct identity.”²²⁴ This desire has become increasingly problematic for the police. Police officers often have a negatively skewed view of their status in society. In an article that appeared in *Police Chief Magazine*, the authors stated,

This negative way the law enforcement community believes the public perceives it is reinforced not only by the public and the media but often by senior officers as well: at police academies, at the station, in training, and in the lunch room. Biased media coverage only confirms what they already “knew” from years of police work and shared stories in the squad room.²²⁵

This perception furthers the divide between the police and the public even though the reality may be quite different. A national study conducted by Montana State University in 2006 found 85.3 percent of the survey respondents were supportive

²²¹ Weber, “Warrior Cops—The Ominous Growth of Paramilitarism in American Police Departments,” 10.

²²² James N. Breckenridge and Philip G. Zimbardo, “The Strategy of Terrorism and the Psychology of Mass-Mediated Fear,” in *Psychology of Terrorism*, ed. Bruce Bongar, Lisa M. Brown, Larry E. Beutler, James M. Breckenridge, and Philip G. Zimbardo (New York: Oxford University Press, 2007), 121.

²²³ Christian Grillon et al., “Anxious Responses to Predictable and Unpredictable Aversive Events,” *Behavioral Neuroscience* 118, no. 5 (2004): 922, doi:10.1037/0735-7044.118.5.916.

²²⁴ Moghaddam, *Multiculturalism and Intergroup Relations*, 94–5.

²²⁵ Tooley et al., “The Media, the Public, and the Law Enforcement Community: Correcting Misperceptions.”

of the law enforcement community.²²⁶ The survey concluded that the police often feel the opposite is true because police officers have much more interaction with the 10 percent of the population that is not supportive.²²⁷ The study concluded, “Officers are judging the people that make up their day-to-day work world not based on an objective view of reality but rather based on powerful misperceptions that bias their attitudes and behavior.”²²⁸

However, law enforcement’s perception about public opinion is not completely unsubstantiated. Research shows dramatic differences arise when race and class profiles are considered. Ronald Weitzer discovered vastly divergent views of the police depending on which neighborhood was polled.²²⁹ Therefore, law enforcement’s perception of being at odds with the public is not without basis. It is also nothing new. The following excerpt from an article written by William Westley appeared in the *American Journal of Sociology* in 1953:

The policeman finds his most pressing problems in his relationships to the public. His is a service occupation but of an incongruous kind, since he must discipline those whom he serves. He is regarded as corrupt and inefficient by, and meets with hostility and criticism from, the public. He regards the public as his enemy, feels his occupational [responsibilities] to be in conflict with the community, and regards himself to be a pariah.²³⁰

Whether these feelings are justified is somewhat inconsequential. The existence of these emotionally charged perceptions of the public contributes to the social categorization process. Brannan et al. state, “Because our group membership become parts of our identity, any value associated with those

²²⁶ Tooley et al., “The Media, the Public, and the Law Enforcement Community: Correcting Misperceptions.”

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ronald Weitzer, “Citizens’ Perceptions of Police Misconduct: Race and Neighborhood Context,” *Justice Quarterly* 16, no. 4 (December 1, 1999): 819–46, doi:10.1080/07418829900094381.

²³⁰ William A. Westley, “Violence and the Police,” *American Journal of Sociology* 59, no. 1 (July 1, 1953): 34–41.

groups will have implications for our feelings of self-worth.”²³¹ Law enforcement, in their attempt to define themselves in a distinct and positive manner, creates an identity that can further distance themselves from the public.²³² Joan Barker captured the essence of this concept in the following excerpt from a book entitled, *Danger, Duty, and Disillusion: The Worldview of Los Angeles Police Officers*:

Police officers are consciously aware of their role as active participants in the creation and interpretation of this social world. They are aware of the perceived necessity for adherence to their construction of reality in order to perform their job. They believe that the ordering of reality is essential for social survival and also for literal survival. Adherence to the police version of the world confers actual, literal, survival in the performance of a job that has extraordinary risks and deals with high levels of uncertainty and danger.²³³

Beyond the development of a strong social identity, a few key psychological concepts are also important to understanding why police officers perceive violence differently. The first concept is known as the availability heuristic. Daniel Kahneman defines the availability heuristic as “the process of judging frequency by the ease with which instances come to mind.”²³⁴ Since police officers are exposed to violence at a much higher rate than the public, both personally and vicariously, they are able to recall violent encounters much more easily, which can make the world seem more violent than it is.

A second key concept that affects law enforcement’s perceptions of violence is known as the negativity bias. According to Kahneman, evolution has

²³¹ Brannan, Darken, and Strindberg, *A Practitioner’s Way Forward*, 65.

²³² Tajfel, *Social Identity and Intergroup Relations*, 27.

²³³ Joan C. Barker, *Danger, Duty, and Disillusion: The Worldview of Los Angeles Police Officers* (Long Grove, IL: Waveland Press, 1998), 21.

²³⁴ Daniel Kahneman, *Thinking, Fast and Slow*, Reprint edition (New York: Farrar, Straus and Giroux, 2013), 129.

enabled the human brain to give priority to bad news as a survival mechanism.²³⁵

James Breckenridge and Phillip Zimbardo state, “The negativity bias impacts a wide range of psychological processes, including attention, memory, decision-making and impression formation. Negativity works in concert with a set of heuristics, mental shortcuts, that most of us use to predict risk and make decisions under uncertainty.”²³⁶

This concept was the subject of an article entitled, “Bad is Stronger than Good.” In it, the authors write, “Bad emotions, bad parents, and bad feedback have more impact than good ones, and bad information is processed more thoroughly than good.”²³⁷ Others have also found that negative information tends to be perceived as more influential than positive data, even when positive and negative data are both presented together equally.²³⁸ Police officers are bombarded with bad news and much of that news has to do with violence.²³⁹ The concept of negativity bias helps to explain why police officers often react strongly to violent and potentially violent situations.²⁴⁰

Finally, the concept of representativeness is important to this discussion. It has already been shown that statistics about violence do not necessarily reflect how people view violence. One explanation for this phenomenon is known as the representative heuristic; estimating the probability of an event occurring by

²³⁵ Ibid., 301.

²³⁶ Breckenridge and Zimbardo, “The Strategy of Terrorism and the Psychology of Mass-Mediated Fear,” 14.

²³⁷ Roy F. Baumeister et al., “Bad Is Stronger than Good,” *Review of General Psychology* 5, no. 4 (2001): 1, doi:10.1037/1089-2680.5.4.323.

²³⁸ Michael Siegrist and George Cvetkovich, “Better Negative than Positive? Evidence of a Bias for Negative Information about Possible Health Dangers,” *Risk Analysis* 21, no. 1 (February 1, 2001): 199–206, doi:10.1111/0272-4332.211102.

²³⁹ Westley, “Violence and the Police,” 35.

²⁴⁰ Ibid., 37.

comparing it to a cognitive prototype rather than a base rate.²⁴¹ This concept can be seen in the results of a recent Pew study. According to the study, 56 percent of Americans believe gun violence is worse now than it was 20 years ago despite actual data that it is 49 percent lower.²⁴² Their research concluded that high profile incidents of gun violence become ingrained in the public's psyche. These images are easily retrieved when questioned about gun violence and form the basis of their estimations.²⁴³ According to Kahneman, the representative heuristic results in "an excessive willingness to predict the occurrence of unlikely (low base-rate) events."²⁴⁴ Since police officers experience violence at a much higher rate than the public, and because it is easy for police officers to recall an instance of violence, they are predisposed to misinterpret the level of violence to which they are actually exposed.²⁴⁵ This misinterpretation can result in a condition called hypervigilance, a feeling of constantly being targeted or threatened.²⁴⁶ Hypervigilance can cause aggressive behavior during traffic stops and contact with the public. It can also lead to overreaction to seemingly innocuous situations.²⁴⁷

Unlike other social groups that also experience aspects of violence, such as doctors and rescue workers, law enforcement's direct contact with the perpetration of violence is what influences their perceptions of and response to violence. This innate ability to categorize situations rapidly based on previous

²⁴¹ "What Is the Representativeness Heuristic in Psychology?," June 3, 2015, <http://psychology.about.com/od/rindex/g/representativeness-heuristic.htm>.

²⁴² Emily Badger, "Why Do So Many People Think Gun Violence Is Getting Worse?," *CityLab*, May 7, 2013, <http://www.theatlanticcities.com/neighborhoods/2013/05/why-do-so-many-people-think-gun-violence-getting-worse/5516/>.

²⁴³ Ibid.

²⁴⁴ Kahneman, *Thinking, Fast and Slow*, 151.

²⁴⁵ "Hypervigilance: A Learned Perceptual Set and Its Consequences on Police Stress," accessed May 23, 2015, <http://emotionalsurvival.com/hypervigilance.htm>.

²⁴⁶ "Hypervigilance—Definition of Hypervigilance," accessed July 6, 2015, <http://ptsd.about.com/od/glossary/g/hypervigilance.htm>.

²⁴⁷ Jason Hanna, Martin Savidge, and John Murgatroyd, "South Carolina Trooper Shot Unarmed Man, Police Say," *CNN*, September 26, 2014, <http://www.cnn.com/2014/09/25/justice/south-carolina-trooper-shooting/index.html>.

experience and make almost instantaneous decisions is known as naturalistic decision making.²⁴⁸ This process helps police officers survive violent incidents but can also cause over-reaction.

B. TRAINING

Training is an important factor both in relation to the general discussion of police militarization and in terms of perspectives on violence. Police training, especially paramilitary style police training, is not only designed to teach individuals how to perform the job's duties, it is also meant create a new identity separate and distinct from their prior civilian identity.²⁴⁹ This process is also known as social creativity. Brannan et al. state that social creativity is "largely a matter of inculcating and indoctrinating group members with a new sense of themselves and their group purpose."²⁵⁰ Police instructors instill an institutionalized vision of the profession in new officers that often results in "changes in perspective, personality, and identity."²⁵¹ This process is reinforced through an "idealized sense of police character...transmitted through extracurricular presentations of obedience to authority in paramilitary dress, demeanor, and deportment, as well as in the subtext of war stories or parables told by instructors, veteran officers, and peers."²⁵²

New police officers spend an inordinate amount of time during basic training dealing with violence. According to an article by Allison Chappell, "Recruits spend 90 percent of their training time on firearms, driving, first aid, self-defense and other use-of-force tactics even though only 10 percent of their

²⁴⁸ Gary Klein, "Naturalistic Decision Making," *Human Factors: The Journal of the Human Factors and Ergonomics Society* 50, no. 3 (June 1, 2008): 456–60, doi:10.1518/001872008X288385.

²⁴⁹ Stan Shernock, "Police Officer Support for Quasimilitary Stress Training and Orientation toward Outsiders and Nonlaw Enforcement Functions," *Journal of Police and Criminal Psychology* 13, no. 2 (September 1, 1998): 87–99, doi:10.1007/BF02806716.

²⁵⁰ Brannan, Darken, and Strindberg, *A Practitioner's Way Forward*, 74.

²⁵¹ Richard R. Bennett, "Becoming Blue: A Longitudinal Study of Police Recruit Occupational Socialization," *Journal of Police Science & Administration* 12, no. 1 (1984): 47–58.

²⁵² Conti and Doreian, "From Here On Out, We're All Blue," 419.

job duties will put them in positions where they need to use these skills.”²⁵³ This data is relatively consistent with other sources of national data. In 2006, the BJS produced a special report entitled, *State and Local Law Enforcement Training Academies, 2006*. According to their data, significantly more time was spent on force training (i.e., self-defense, firearms, non-lethal weapons) than de-escalation training (i.e., mediation/conflict management). Overall, the survey found that force training accounted for 123 hours while eight hours was dedicated to de-escalation methods.²⁵⁴ See Table 1.

Table 1. Topics Included in Basic Training of State and Local Law Enforcement Training Academics, 2006

| Table 11. Topics included in basic training of state and local law enforcement training academies, 2006 | | |
|---|------------------------------------|---------------------------------------|
| Topics | Percent of academies with training | Median number of hours of instruction |
| Operations | | |
| Report writing | 100% | 20 hrs. |
| Patrol | 99 | 40 |
| Investigations | 99 | 40 |
| Basic first aid/CPR | 99 | 24 |
| Emergency vehicle operations | 97 | 40 |
| Computers/information systems | 58 | 8 |
| Weapons/self-defense | | |
| Self-defense | 99% | 51 hrs. |
| Firearms skills | 98 | 60 |
| Non-lethal weapons | 98 | 12 |
| Legal | | |
| Criminal law | 100% | 36 hrs. |
| Constitutional law | 98 | 12 |
| History of law enforcement | 84 | 4 |
| Self-improvement | | |
| Ethics and integrity | 100% | 8 hrs |
| Health and fitness | 96 | 46. |
| Stress prevention/management | 87 | 5 |
| Basic foreign language | 36 | 16 |
| Community policing | | |
| Cultural diversity/human relations | 98% | 11 hrs. |
| Basic strategies | 92 | 8 |
| Mediation skills/conflict management | 88 | 8 |
| Special topics | | |
| Domestic violence | 99% | 14 hrs. |
| Juveniles | 99 | 8 |
| Domestic preparedness | 88 | 8 |
| Hate crimes/bias crimes | 87 | 4 |

From Brian A. Reaves, “State and Local Law Enforcement Training Academies, 2006” (Bureau of Justice Statistics, February 2009), 6, <http://www.bjs.gov/content/pub/pdf/slleta06.pdf>.

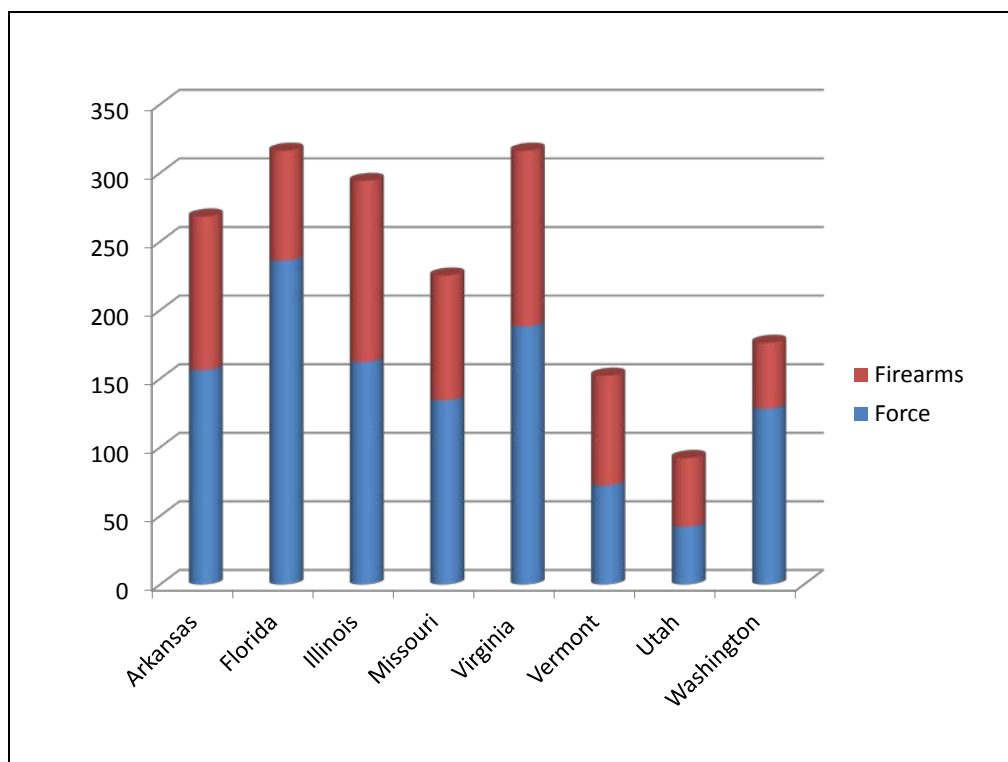
²⁵³ Allison T. Chappell, “Police Academy Training: Comparing across Curricula,” *Policing: An International Journal of Police Strategies & Management* 31, no. 1 (March 7, 2008): 38, doi:10.1108/13639510810852567.

²⁵⁴ Brian A. Reaves, *State and Local Law Enforcement Training Academies, 2006* (Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, 2009), 6, <http://www.bjs.gov/content/pub/pdf/slleta06.pdf>.

To validate the amount of force training being conducted during basic police training further, requests were sent to all state law enforcement academies in the United States and all regional/independent police academies in Virginia to provide copies of their basic training curricula. Responses were received from eight state law enforcement agencies and eight Virginia police academies.

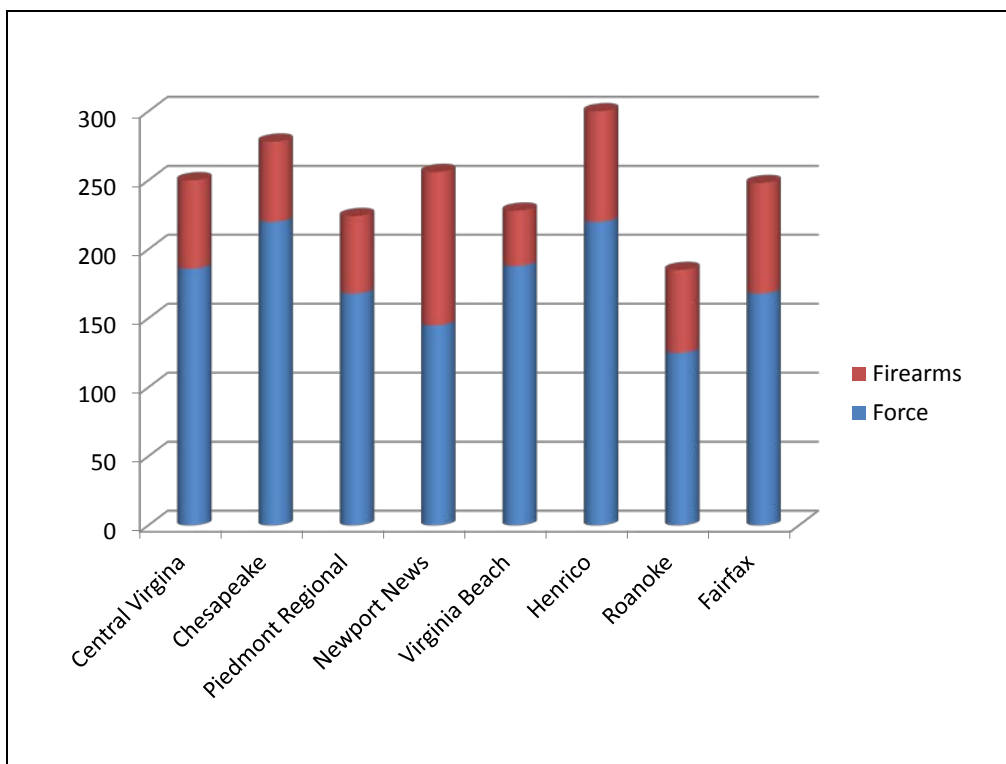
The amount of force training conducted by the state law enforcement agencies represented in the survey varied significantly. The Florida Highway Patrol conducted the most force training: 236 hours. The Virginia State Police spent the most time on firearms training: 128 hours. The Utah Highway Patrol spent the fewest hours on force training: 42. The Washington State Patrol spent the fewest hours on firearms training: 48. On average, state law enforcement agencies spent 139 hours on force training and 90 hours on firearms training, as shown in Figure 12.

Figure 12. Force Training Hours for State Police Academies



The Virginia police academies spent an average of 177 hours on force training including 68 hours on firearms. The Chesterfield County and Henrico County training academies spent the most hours on force training: 220. The City of Newport News spent the most hours on firearms training: 111. The Roanoke County/City training academy spent the fewest hours on force training: 125. The City of Virginia Beach reported the fewest hours of basic firearms training: 40. See Figure 13.

Figure 13. Force Training Hours for Virginia Police Academies



It is important to note that this survey had several limitations. First, some training academies provided specific information about force training rather than their full basic training curriculum. Second, not every police agency uses the same terminology. It was, therefore, difficult to determine the content of certain courses. For this reason, only those courses clearly force related were counted (i.e., firearms, non-lethal weapons, officer survival, and defensive tactics).

Unfortunately, the reality of policing necessitates the need to focus on force training. Police officers must not only recognize that each encounter is potentially violent, they must develop the skills needed to protect themselves and the community.²⁵⁵ It is also important to consider that even though police officers are authorized to use force, including deadly force, a tremendous amount of liability is involved for both the officer and the police agency. This fact dictates the need to spend an inordinate amount of basic training time on the use of force.²⁵⁶

C. MEDIA

The role the media has in shaping public opinion on a variety of topics cannot be dismissed. As with many social issues, the perception of violence by the American public is largely determined by the media.²⁵⁷ Numerous articles have been written about how the media presents violence and how the public processes that information. For instance, in an article specifically about school violence, Aaron Kupchik found the media relied on the general public's emotional response to news about school crime and violence to perpetuate fear of such incidents, despite the reality that these events are very rare.²⁵⁸ Few things attract media consumers like violence. This notion was supported by David Altheide who writes, "Fear is more widely used today because news organizations and news sources have benefited from it."²⁵⁹

²⁵⁵ Robert W. Balch, "The Police Personality: Fact or Fiction?," *The Journal of Criminal Law, Criminology, and Police Science* 63, no. 1 (March 1972): 109, doi:10.2307/1142281.

²⁵⁶ Elsie Scott, "Managing Municipal Police Training Programs with Limited Resources," *The Police Chief*, October 2005, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=725&issue_id=102005.

²⁵⁷ Maxwell E. McCombs, *Setting the Agenda: The Mass Media and Public Opinion* (Cambridge, UK, Malden, MA: Polity; Blackwell Pub, 2004), 18.

²⁵⁸ Aaron Kupchik and Nicole L. Bracy, "The News Media on School Crime and Violence Constructing Dangerousness and Fueling Fear," *Youth Violence and Juvenile Justice* 7, no. 2 (April 1, 2009): 136–55, doi:10.1177/1541204008328800.

²⁵⁹ David L. Altheide, *Creating Fear: News and the Construction of Crisis* (Piscataway, NJ: Transaction Publishers, 2002), 11.

The national and global nature of modern media means that many people observe events in which they have no direct involvement. Yet, these stories and images play an important role in framing public opinion on many topics, including violence.²⁶⁰ The constant news cycle and the accumulation of these tragic and violent images distort perceptions of violence, often leaving the viewer with an exaggerated view of threats. Ultimately, the way in which the media portrays violence has a significant impact on how consumers, including the police, perceive the issue.²⁶¹

For example, the statistics about violence used in the previous chapter are widely available to the public. Yet, the data seem to have little impact on the views of many Americans. Despite the fact that the FBI reports violent crime rates fell 12.3 percent from 2009 to 2013,²⁶² a Gallup poll conducted in 2014 revealed that 63 percent of Americans think crime actually got worse.²⁶³ Clearly, crime statistics are not the only factors affecting public perception. The author of the poll, Justin McCarthy, suggested that the reason for this disparity is:

Because Americans are more pessimistic about crime in the U.S. as a whole as opposed to their own localities, this could suggest that many base their views on what they hear about crimes that take place outside of their own hometowns. Some argue that consumption of news media plays a role in this by exposing Americans to crimes that they may perceive as more widespread than actually is the case.²⁶⁴

The power of the media to shape public perceptions is the subject of numerous articles. According to Dietram Scheufele, “Mass media actively set the

²⁶⁰ McCombs, *Setting the Agenda*, 39.

²⁶¹ Brad J. Bushman and Craig A. Anderson, “Media Violence and the American Public: Scientific Facts versus Media Misinformation,” *American Psychologist* 56, no. 6–7 (2001): 482, doi:10.1037/0003-066X.56.6-7.477.

²⁶² “2013 Violent Crime,” accessed March 22, 2015, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/violent-crime-topic-page/violentcrimemain_final.

²⁶³ Justin McCarthy, “Most Americans Still See Crime Up Over Last Year,” accessed May 24, 2015, http://www.gallup.com/poll/179546/americans-crime-last-year.aspx?utm_source=position3&utm_medium=related&utm_campaign=tiles.

²⁶⁴ Ibid.

frames of reference that readers or viewers use to interpret and discuss public events.”²⁶⁵ Other studies have specifically found that television news coverage is often a primary source of the public’s distorted perceptions about crime.²⁶⁶ In his work entitled, *Setting the Agenda, The Mass Media and Public Opinion*, Maxwell McCombs writes, “Mass communication is a social process in which the same message, in either printed, audio or audio/visual form, is disseminated to a vast population. Numerous characteristics of these messages influence how many persons pay any attention to the message and apprehend at least some portion of its content.”²⁶⁷

Another important factor in how the media affects public opinion is that the information provided to the consumer is often used to support “a version of reality built from personal experience, interaction with peers, and interpreted selections from the mass media.”²⁶⁸ Regina Lawrence writes, “The news is a main symbolic arena in which various social groups, institutions, and ideologies struggle over the definition and construction of social reality.”²⁶⁹

Others support the notion that the media sets the narrative through which current events are viewed and explain why it is such a powerful force. Breckenridge and Zimbardo state, “the media plays a critical role in facilitating the psychological processes that intensify the public’s fear and sense of vulnerability.”²⁷⁰ Explaining why media portrayals of shocking events have such a significant impact on our perceptions, Breckenridge and Zimbardo state, “Public threat perceptions can escalate rapidly, outpacing rationale analysis. The

²⁶⁵ Da Scheufele, “Framing As a Theory of Media Effects,” *Journal of Communication* 49, no. 1 (March 1, 1999): 105, doi:10.1111/j.1460-2466.1999.tb02784.x.

²⁶⁶ Breckenridge and Zimbardo, “The Strategy of Terrorism and the Psychology of Mass-Mediated Fear,” 14.

²⁶⁷ McCombs, *Setting the Agenda*, 52.

²⁶⁸ W. Russell Neuman, Marion R. Just, and Ann N. Crigler, *Common Knowledge: News and the Construction of Political Meaning* (Chicago: University of Chicago Press, 1992), 105.

²⁶⁹ Regina G. Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley, CA: University of California Press, 2000), 4.

²⁷⁰ Breckenridge and Zimbardo, “The Strategy of Terrorism and the Psychology of Mass-Mediated Fear,” 3.

perception of a terrorist threat, like other public fears, can intensify in the face of compelling empirical disconfirmation and contrary probabilities, because human beings do not balance negatively and positively valenced information evenly.”²⁷¹

Once again, negativity bias and availability heuristic become important factors in how the public and the police process media accounts of violent incidents and frame socially constructed views about their prevalence. For example, Breckenridge and Zimbardo found, “in the aftermath of a terrorist act, powerfully facilitated by mass media reporting, the event is highly available thus elevating disproportionately the perception that another act is likely.”²⁷²

Extensive media reporting of violent incidents have an effect on how police officers internalize the threat of violence. The high rate of exposure to intensely negative incidents makes it easy for police officers to recall violent encounters. It becomes a powerful determinant for the narratives that form a police officer’s socially constructed perception of violence.

D. SUMMARY

The psychological and social concepts of identity, categorization, and bias are well documented in the field of psychology. By applying these concepts to law enforcement, it is possible to begin to understand how their strong social identity affects their perceptions of violence. It appears that these socially constructed views of violence form the basis for law enforcement’s shift toward a militarized policing model. As police officers feel targeted and vulnerable, they work to find ways to counter those perceived threats. At the same time, police officers sense their social status within the community degrading. Their desire to create a distinct and positive identity is therefore threatened, which causes the police to further isolate themselves from the public who could potentially be the enemy. The result is a strong in-group who perceive their vulnerability to violence

²⁷¹ Ibid., 14.

²⁷² Breckenridge and Zimbardo, “The Strategy of Terrorism and the Psychology of Mass-Mediated Fear,” 15.

as high regardless of their particular situation. Simply presenting law enforcement with statistics that indicate the contrary will likely be disregarded.

The concepts presented in this chapter must be considered when determining what role militarization should play in law enforcement. It is critical that policy makers understand the inherent problems associated with the analysis of violent crime, as well as the powerful psychosocial processes affecting the police. Without this understanding, they run the risk of creating policy that could endanger the public, the police, or both.

Likewise, police leaders have an obligation to both the public and the police. They must enact policies that protect the public from violence while ensuring the methods employed by the police are effective and lawful. They also have an obligation to provide appropriate tools and training to their officers so they can confront that violence within the confines of the legal system. These obligations are difficult to balance. However, by having an understanding of the concepts presented in this chapter, police leaders can develop policy that will meet the needs of both the police and the public.

V. RESPONSE CAPABILITY

The previous two chapters explored the link between violence and police militarization. What emerged appears to be a contradiction. Most statistical measures of violence are trending downward. However, for a variety of social and psychological reasons, the police perceive the level of violence to be very high and escalating. It appears that the threat of violence has been the impetus for some degree of a militarized law enforcement capability.

In just the first three weeks in June 2015, both the police and the community experienced numerous high profile violent attacks. For example, on June 13, an individual armed with explosives and high-powered rifles attacked a Dallas, Texas police station in an armored van. The incident was brought to a conclusion when a police sniper was able to shoot and kill the suspect with a .50 caliber rifle.²⁷³ Then, on June 17, 2015, an armed assailant murdered nine people inside a Charleston, South Carolina church during a Bible study session. The incident sparked a 14-hour manhunt involving law enforcement from several states.²⁷⁴ Unfortunately, incidents like those in Dallas and Charleston are not anomalies.

Speaking at the U.S. Mayors Conference in San Francisco on June 19, 2015, President Obama made the following statements about violence in America, “These tragedies have become far too commonplace...More than 11,000 Americans were killed in gun violence in 2013 alone...No reform can guarantee the elimination of violence...You don’t see murder on this kind of scale with this kind of frequency in any other advanced nation on earth.”²⁷⁵

²⁷³ Manny Fernandez and Ashley Southall, “Dallas Gunman Killed after Attack on Police Headquarters,” *The New York Times*, June 13, 2015, <http://www.nytimes.com/2015/06/13/us/dallas-police-shooting.html>.

²⁷⁴ Nick Corasaniti, Richard Pérez-peña and Lizette Alvarez, “Church Massacre Suspect Held as Charleston Grieves,” *The New York Times*, June 18, 2015, <http://www.nytimes.com/2015/06/19/us/charleston-church-shooting.html>.

²⁷⁵ “President Obama Remarks at U.S. Conference of Mayors,” June 19, 2015, <http://www.c-span.org/video/?326652-2/president-obama-remarks-us-conference-mayors>.

Despite the politicized use of statistics and crime data, the threat of violence exists and will continue to exist. When the threat of violence becomes a reality, the police must be prepared, trained, and equipped to respond. Echoing this sentiment, Karen Singh stated:

Law enforcement agencies in America are faced with a cavalcade of high-risk threats to public safety... In addition to the drug trade...police are faced with a host of public threats, including religious zealots (of many faiths), racist ideologues, the so-called "militia movement," foreign and domestic terrorist groups, and gangs. These threats are not confined to urban areas; rural police face many of the same social deviants the larger cities face, as well as other concerns unique to rural policing.²⁷⁶

The violent incidents that law enforcement must contend with are not only real, they are continuously evolving. For this reason, the police must keep pace with the changing threat environment if they are to protect the communities they serve effectively. New tactics must be developed and new technologies employed. Steven Brandl writes:

September 11 was what many have referred to as a blaring "wake-up" call. It is now realized that Americans are not immune to terrorists' actions, even on their own soil. Other serious threats may loom, and not only in the hypothetical. If commercial airliners can be turned into missiles to destroy skyscrapers filled with people, then bio-terrorism and the use of nuclear bombs for terrorist purposes is certainly a possibility. It is being realized that the current system of policing is ill-equipped to deal with the new threat.²⁷⁷

The reality is that the type of preparedness, training, and equipment that will enable law enforcement to meet these new challenges is often the same the military possesses. Even staunch critics acknowledge that certain aspects of police militarization are necessary given the level of capability necessary to combat the modern threat.²⁷⁸

²⁷⁶ Karan R. Singh, "Treading the Thin Blue Line: Military Special-Operations Trained Police SWAT Teams and the Constitution," *Wm. & Mary Bill Rts. J.* 9 (2000): 690.

²⁷⁷ Brandl, "Back to the Future," 147.

²⁷⁸ Hill and Berger, "A Paramilitary Policing Juggernaut," 34.

Therefore, it is not surprising that law enforcement agencies have taken advantage of programs that enable them to acquire military equipment.²⁷⁹ These resources and the manner in which they have been used are one of the most contentious facets of the modern police militarization debate.²⁸⁰

A. FEDERAL MILITARY EQUIPMENT PROGRAMS

Violence, real and perceived, may be the impetus for law enforcement's militarization, but its most obvious manifestation has been in the form of military weapons and equipment.²⁸¹ Critics argue that this accumulation of military gear has resulted in a troubling shift in how policing is performed in the United States.²⁸² Many law enforcement leaders disagree and justify the accumulation of military surplus equipment as an economically sound way to protect the community and their officers.²⁸³

The DOD has two programs that provide equipment to LEAs. The first is known as the 1033 Program. Authorized by Section 1033 of the National Defense Authorization Act of 1997, it permits the SECDEF "to transfer, without charge, excess DOD property (supplies and equipment) to federal, state and local law enforcement agencies."²⁸⁴ Pursuant to this program, the Defense Logistics Agency has transferred approximately \$5.1 billion dollars in property to 8,000 federal, state, and local law enforcement agencies since 1990.²⁸⁵ This transfer includes controlled property, such as weapons, ammunition, armored vehicles, aircraft, and commercial grade night vision devices.

²⁷⁹ "Review: Federal Support for Local Law Enforcement Equipment Acquisition."

²⁸⁰ Bachman, "A Federal Effort to Reuse Military Gear Turned Cops into Commandos."

²⁸¹ *Ibid.*

²⁸² Hill and Berger, "A Paramilitary Policing Juggernaut," 29.

²⁸³ "Statement of IACP President Yost Zakhary on the Review of the 1033 Program," accessed December 1, 2014, <http://www.theiacp.org/ViewResult?SearchID=2434>.

²⁸⁴ "Review: Federal Support for Local Law Enforcement Equipment Acquisition," 7–9.

²⁸⁵ *Ibid.*, 7.

The 1112 Program permits government agencies (state and local) to purchase new law enforcement equipment specifically for counter-narcotic activities.²⁸⁶ The advantage of this program is that it allows police agencies to save a tremendous amount of money by leveraging the federal government's large volume pricing discounts. This program does not allow LEAs to purchase controlled property.

A number of federal programs also provide money directly to LEAs through various grants, such as the Edward Byrne Memorial Justice Assistance Grant Program, The Community Oriented Policing Services (COPS) Office, and the Department of Justice Equitable Sharing Program. According to a White House report, "Between FY2009 and FY2014, the federal government provided nearly \$18 billion dollars in funds and resources to support programs that provide equipment and tactical resources to state and local LEAs."²⁸⁷

The main source of controversy has been with the DOD 1033 Program. Over 18,000 different types of equipment have been received by law enforcement agencies, the majority of which are not weapons or related to combat in any way.²⁸⁸ According to a White House report, only about four percent of the equipment received under the DOD 1033 Program in 2013 was considered controlled property.²⁸⁹ Nevertheless, about 460,000 controlled items are currently in the hands of law enforcement.²⁹⁰

In response to public concern about law enforcement access to military equipment, President Obama enacted several modifications to the 1033

²⁸⁶ "Review: Federal Support for Local Law Enforcement Equipment Acquisition," 9.

²⁸⁷ *Ibid.*, 3.

²⁸⁸ Lindsey Cook, "Most Popular Items in the Defense Department's 1033 Program," *US News & World Report*, August 21, 2014, <http://www.usnews.com/news/blogs/data-mine/2014/08/21/most-popular-items-in-the-defense-departments-1033-program>.

²⁸⁹ "Review: Federal Support for Local Law Enforcement Equipment Acquisition," 3.

²⁹⁰ *Ibid.*

Program. First, Executive Order (EO) 13688 created a revised “Prohibited Equipment List.”²⁹¹ Items now included on this list are the following:

| | |
|--------------------------------------|---------------------|
| Tracked armored vehicles | Bayonets |
| Weaponized aircraft/vessels/vehicles | Grenade launchers |
| Firearms of .50-caliber or higher | Camouflage uniforms |

Prohibited equipment will no longer be available to LEAs through federal programs because, according to the EO, such equipment in the hands of law enforcement has “the substantial risk of misusing or overusing these items, which are seen as militaristic in nature, could significantly undermine community trust and may encourage tactics and behaviors that are inconsistent with the premise of civilian law enforcement.”²⁹² However, law enforcement may continue to obtain such items through other avenues provided they can secure the necessary funding.

Second, the EO created a revised “controlled equipment list.”²⁹³ The following items are now included:

| | |
|---|----------------------------|
| manned aircraft | explosive and pyrotechnics |
| un-manned aerial vehicles | breaching apparatus |
| wheeled armored vehicles | riot batons (fixed length) |
| wheeled tactical vehicles | riot helmets |
| command and control vehicles | riot shields |
| specialized firearms and ammunition under .50-caliber | |

²⁹¹ The White House, *Recommendations Pursuant to Executive Order 13688—Federal Support for Local Law Enforcement Equipment Acquisition* (Washington, DC: Law Enforcement Equipment Working Group, 2015), 12–13, <https://www.hsdl.org/?view&did=765878>.

²⁹² *Ibid.*, 13.

²⁹³ *Ibid.*, 14–15.

Items on the controlled equipment list are available through federal programs with certain restrictions, such as mandatory training and enhanced accountability mandates.²⁹⁴ The EO states that despite the fact that these items could be viewed as militaristic, they “also have significant utility to law enforcement operations.”²⁹⁵ Referring specifically to armored vehicles, which have been the subject of much criticism, the report states, “These vehicles can provide critical officer and civilian safety protection and transport into and out of high-risk situations and therefore should not be prohibited.”²⁹⁶

It is worth noting that many of the most contentious items obtained by law enforcement via the old DOD 1033 Program guidelines are still available. For example, armored vehicles, such as the much publicized MRAP, are still authorized for use by law enforcement because of their utility as a protective measure.²⁹⁷ The EO acknowledges that some of the controlled property looks intimidating, but is not an instrument of force, an important distinction. If the definition of police militarization as found in Chapter II is valid (i.e., the adoption of military style equipment, tactics, and/or policies that leverage force or the threat of force as the primary means to achieve a law enforcement agency’s goals), then the vast majority of the items on both the prohibited and controlled equipment lists have no nexus to police militarization.

The equipment made available to law enforcement through the 1033 Program has improved their ability to respond to violent incidents and

²⁹⁴ The White House, *Recommendations Pursuant to Executive Order 13688—Federal Support for Local Law Enforcement Equipment Acquisition*, 14.

²⁹⁵ *Ibid.*, 15.

²⁹⁶ *Ibid.*

²⁹⁷ Justin Hyde, “Why Do America’s Police Need an Armored Tank?,” *Msnbc.com*, accessed August 19, 2014, http://www.nbcnews.com/id/41912754/ns/technology_and_science-tech_and_gadgets/t/why-do-americas-police-need-armored-tank/.

undoubtedly saved lives.²⁹⁸ Law enforcement SWAT teams have commandeered much of that equipment.

B. TACTICAL RESPONSE CAPABILITIES

The 1033 Program has enabled police agencies of all sizes to obtain equipment that was beyond the reach of their budgets.²⁹⁹ Numerous examples of small police departments obtaining armored vehicles and military style weapons are available.³⁰⁰ Critics argue that the free equipment caused a tremendous increase in the number of police SWAT teams.³⁰¹ These specific police units have actively acquired military equipment and capabilities in an effort to keep pace with emerging violent threats.³⁰²

SWAT teams have been at the heart of the police militarization debate. Some argue that SWAT teams have enabled law enforcement agencies to rely on force as a primary means of policing, which ultimately endangers the public.³⁰³ Kraska has been particularly critical of their proliferation and use. According to his research, the use of police SWAT teams from 1980 to 1997 increased 538 percent.³⁰⁴ Kraska views the use of SWAT teams as particularly troublesome. He states, “[t]he militarism inherent in PPUes escalates to new heights the cynical view that the most expedient route to solving social problems

²⁹⁸ Sarah Thomas, “SWAT Vehicle Repairs Show Scope of Longview Standoff Damage,” *Longview News-Journal*, July 17, 2013, http://www.news-journal.com/news/local/swat-vehicle-repairs-show-scope-of-longview-standoff-damage/article_eadfa8cc-6040-5ac2-8b3f-26289ef47eba.html.

²⁹⁹ Lindsey Cook, “Which States Use the Defense Department’s 1033 Program More?,” *US News & World Report*, August 25, 2014, <http://www.usnews.com/news/blogs/data-mine/2014/08/25/which-states-use-the-defense-departments-1033-program-more>.

³⁰⁰ Dansky, “War Comes Home,” 4.

³⁰¹ Balko, *Overkill: The Rise in Paramilitary Police Raids in America*.

³⁰² Sandra Eismann-Harpen, “Rambo Cop: Is He a Soldier Under the Third Amendment?,” *Northern Kentucky Law Review* 41 (2014): 128–131.

³⁰³ Balko, *Overkill: The Rise in Paramilitary Police Raids in America*, 42.

³⁰⁴ Peter B. Kraska, “SWAT in the Commonwealth: Trends and Issues in Paramilitary Policing,” *Kentucky Justice and Safety Research Bulletin*, June 1, 1999, <http://encompass.eku.edu/kjsrb/17>. Statistics based on police agencies serving populations of at least 50,000.

is through military-style force, weaponry, and technology.”³⁰⁵ He asserts that a potential problem with the proliferation of SWAT teams occurs when, “Instead of viewing paramilitary tactics as an option of last resort...the police may come to view this approach not only as a necessary but indeed even a pleasurable part of policing.”³⁰⁶ Other studies have indicated that SWAT officers are not more prone to use force than non-SWAT officers.³⁰⁷

SWAT teams are often considered controversial because they are relied upon to handle unpredictable and dangerous assignments that make it more likely they will be involved in tragic incidents.³⁰⁸ An article entitled, “War Comes Home—The Excessive Militarization of American Policing,” documents numerous incidents involving SWAT teams that resulted in tragic accidents.³⁰⁹ However, the article failed to account for the lack of planning, training, and experience as a factor in any of the documented incidents. Rather, the article generally condemned the use of SWAT teams. Similarly, Balko criticizes the use of SWAT teams but acknowledges that thoughtful policy changes could lead to much safer and more effective use of this resource.³¹⁰

Unfortunately, without the capabilities of police SWAT teams, viable options are not available to deal with these dangerous, highly volatile situations. Unlike many other countries that have the authority to leverage military resources quickly to assist law enforcement, this practice is largely prohibited in the United States.³¹¹

³⁰⁵ Kraska and Kappeler, “Militarizing American Police,” 12.

³⁰⁶ Kraska and Paulsen, “Grounded Research into U.S. Paramilitary Policing,” 267.

³⁰⁷ Jimmy J. Williams and David Westall, “SWAT and Non-SWAT Police Officers and the Use of Force,” *Journal of Criminal Justice* 31, no. 5 (September 2003): 473, doi:10.1016/S0047-2352(03)00051-5.

³⁰⁸ Singh, “Treading the Thin Blue Line,” 680–685.

³⁰⁹ Dansky, “War Comes Home.”

³¹⁰ Balko, *Overkill: The Rise in Paramilitary Police Raids in America*, 40–42.

³¹¹ Morag, *Comparative Homeland Security*, 147–173.

C. MILITARY RESPONSE

The Posse Comitatus Act of 1878 was meant to place clear restrictions on the use of military resources for domestic purposes. The act specifically banned the utilization of the Army or the Air Force as a posse comitatus, which was a common law term that referred to all males over the age of 15 who the sheriff could call upon for assistance in the event of civil disorder.³¹²

Numerous statutes and exceptions authorize the President to utilize military force to quell revolutions and enforce federal law. These laws are found in 10 USC §§ 331–335. A separate set of laws that permit the use of military information, equipment, and personnel in certain situations are found in 10 USC §§ 371–382.

The confusion caused by these various competing policies is the subject of an article written by Stephan Vladeck, which appeared in the *Yale Law Journal*. In his article, he states that the wording of the President's Emergency Powers and Militia Acts seem fairly straightforward but the various interpretations and real world applications make it far from being so. In his conclusion, he states:

[W]hatever power the President currently possesses to declare and impose a state of martial law in an emergency is ill defined... it is manifestly unclear whether courts could have any role in policing the actions of a future President in responding to a serious crisis, and it is just as unclear what specific powers the President has by virtue of the Militia Acts, what specific actions are foreclosed to him, and where the gray area is with regard to triggers for various levels of authority.³¹³

While disagreement certainly exists about the role the military can or should play in domestic law enforcement, it is clear that the military will not be able to supplant state and local law enforcement as first responders to the numerous violent incidents that occur each year. These incidents necessitate an

³¹² "Posse Comitatus," accessed March 14, 2015, <http://legal-dictionary.thefreedictionary.com/Posse+comitatus>.

³¹³ Stephen I. Vladeck, "Emergency Power and the Militia Acts," *The Yale Law Journal* 114, no. 1 (October 1, 2004): 193, doi:10.2307/4135718.

almost immediate response by law enforcement; something the military is not currently capable of doing domestically.

D. MAINTAINING CAPABILITY

Certainly, the debate will continue about the frequency with which violent incidents occur. The fact that violent incidents do happen is not in dispute. History is rife with shocking examples of violent encounters, many of which involve firearms. Each of these incidents has had a dramatic affect on the way in which the police respond to such tragedies because they often exposed weaknesses in their capabilities.³¹⁴ Two of these cases are particularly notable as they relate to police militarization.

The first case is the Columbine High School Shooting on April 20, 1999. The significance of this case was discussed in Chapter III. The second case was the North Hollywood Shootout. This incident took place on February 28, 1997 in Los Angeles, CA. This incident began as a bank robbery and ended with one of the fiercest gun battles in law enforcement history. The two suspects attempted to rob a Bank of America branch in the San Fernando Valley. During the robbery, two Los Angeles Police Department (LAPD) officers spotted the suspects entering the bank and were waiting for them as they exited. For the next 44 minutes, the suspects and police exchanged gunfire. Since the suspects were wearing approximately 40 pounds of body armor, they were able to withstand the barrage of gunfire by the LAPD despite receiving numerous direct hits.³¹⁵ This incident was the impetus for many law enforcement agencies to purchase and equip their officers with high-powered long rifles due to the ineffectiveness of their issued pistols and shotguns.³¹⁶

³¹⁴ "5 Gunfights That Changed Law Enforcement."

³¹⁵ Bill Coffin, "Warzone: The North Hollywood Shootout 10 Years Later," *Risk Management Magazine*, March 2007, 38.

³¹⁶ Bob Parker, "How the North Hollywood Shootout Changed Patrol Arsenals," February 28, 2012, *Police Magazine*, <http://www.policemag.com/channel/weapons/articles/2012/02/how-the-north-hollywood-shootout-changed-patrol-rifles.aspx>.

What is evident from these two cases and many more throughout history is that criminals will continue to change their methods and utilize all the tools and weapons available to them in furtherance of their objectives. Law enforcement can no longer be reactive to these changes. To have any chance at mitigating the effects of the next Columbine or North Hollywood, law enforcement must be adequately trained and equipped to deal with current and future types of violent incidents. For the reasons identified in this chapter, the military will never be a viable alternative for these rapidly developing violent incidents. It is therefore incumbent upon this nation's police forces to maintain the extraordinary response capabilities often associated with a militarized policing model.

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VI. CONCLUSION

Americans now live in an interconnected society with instant access to an enormous amount of unfiltered information. Social issues once confined to the ethereal boundaries of America's towns and cities, now frequently have cascading effects regionally, nationally, and globally. Thus, Ferguson, Missouri, a city with a population of 21,000, became the focal point of the national debate on police militarization.³¹⁷

A. LESSONS LEARNED

One of the lessons from Ferguson is that social problems are often complex and multi-faceted. They are not, however, impossible to solve. Doing so requires a comprehensive understanding of the challenges and their interconnection with a variety of other social issues. In many ways, the debate about police militarization in Ferguson was simply the initial manifestation of a much broader set of social, political, and economic challenges within that community.

National concerns about police militarization have become a contentious issue with significant public safety and homeland security implications. For many, the term invokes images of battle ready troops toting high-powered automatic weapons while violating civil rights. Others see police militarization as a necessary progression of police tactics in response to an increasingly unpredictable and dangerous world. Unfortunately, misguided attempts at police militarization reform could have serious repercussions on the police and the communities they serve. The goal of this project was to provide clarification on two key issues related to the topic of police militarization to inform future policy decisions.

³¹⁷ "Ferguson, Missouri," accessed July 8, 2015, <http://www.city-data.com/city/Ferguson-Missouri.html>.

The first issue addressed by the research was the establishment of a comprehensive definition of the term police militarization that could satisfy the concerns of both the community and the police by synthesizing the various components of police militarization as found in the available literature. Based on this synthesis, police militarization was defined as the adoption of military style equipment, tactics, and/or policies that leverage force or the threat of force as the primary means to achieve a law enforcement agency's goals.

What became clear from the research is that police militarization is not a single thing. It is not a weapon, or an armored vehicle, or a uniform. It is also not synonymous with police misconduct or abuse of authority. Ultimately, police militarization is the proactive application of force. As such, police militarization is neither inherently good nor bad. Its utility is determined by the purpose and manner in which it is applied.

The second issue addressed by the research was the correlation between police militarization and violence through an analysis of the national aggregate data on violent crime. The research revealed that a causal relationship between the statistical prevalence of violent crime at the national level and police militarization did not exist. In fact, during the three decades of data examined in this research, an inverse relationship occurred between violent crime and police militarization. At the same time, while indicators of police militarization were increasing, violent crime statistics were decreasing.

An important outcome of the research was the distinct limitations that resulted from using national data on violence. First, the research indicated that a significant number of violent crimes go unreported, and therefore, are not factored into the national statistics. Second, national violent crime trends are not representative of the violent crime rates in many American communities. In fact, several communities reported record levels of violent crime during the time period studied despite national trends to the contrary.³¹⁸

³¹⁸ Police Executive Research Forum and National Violent Crime Summit, *Violent Crime in America*.

The research did find a strong nexus between law enforcement's perceived threat of violence and levels of police militarization. By applying social identity theory to the law enforcement community, it was discovered that a police officer's perceived threat of violence is the product of a socially constructed reality rooted in law enforcement's strong group identity and reinforced through training and media. The findings of this research are extremely important to understanding the cause of police militarization and police officers' viewpoint and reaction to violence. It is critical that police and community leaders have an understanding of these complex psychosocial concepts as they work to develop policies that address police militarization, as well as larger social issues.

For example, one of the often-cited negative aspects of police militarization is that it can perpetuate an adversarial relationship between the police and the public.³¹⁹ Finding ways to repair that relationship has been a pressing concern for police and community leaders.³²⁰ Many efforts to improve police/community relations have focused solely on changing law enforcement's behavior by demanding new levels of accountability and creating transparency.³²¹ While sound practices, the results of the research presented in this thesis suggest that meaningful change must also come from outside the law enforcement community.

It is important to understand how national and perhaps global incidents of violence will affect the law enforcement community. As law enforcement's perception of threat is based on a socially constructed reality, violent incidents, regardless of where they occur, become part of law enforcement's collective experience. Each of these violent incidents strengthens their perception of vulnerability. The ease with which these incidents can be recalled (i.e., availability heuristic) adds to their perceived threat of violence. It explains why

³¹⁹ Whitehead and Hentoff, *A Government of Wolves*, 55.

³²⁰ "Building Trust between the Police and the Citizens They Serve," The International Association of Chiefs of Police, 2009, <http://www.theiacp.org/portals/0/pdfs/BuildingTrust.pdf>.

³²¹ Andrew Goldsmith, "Police Reform and the Problem of Trust," *Theoretical Criminology* 9, no. 4 (November 1, 2005): 464–465, doi:10.1177/1362480605057727.

police officers, even those in areas with very low levels of violence, often perceive the threat of violence to be high. It also offers an explanation as to why police officers sometimes react very aggressively to seemingly innocuous situations.

Police militarization reforms are currently underway. President Obama recently implemented new regulations for the DOD 1033 and other military surplus programs. Maryland has implemented strict state mandates regarding the use of SWAT teams that include the maintenance of activation and deployment information.³²² Other states and localities have implemented similar requirements.

One of the biggest challenges for law enforcement leaders grappling with the issue of police militarization is to find the appropriate balance between the safety of the public and the safety of their officers.³²³ Segments of the public have been lead to believe that militarization is an abuse of government authority and an infringement of civil liberties. Many police officers see militarization as the only realistic response to increasing levels of violence despite the lack of evidence to support such claims.

Clearly violent incidents will continue to occur in the United States. The military is largely prohibited from engaging in law enforcement missions and they are currently incapable of responding fast enough to deal with high consequence violent acts effectively. In other words, law enforcement will have to maintain some degree of militarized capability. Without it, the military will be forced to someday intervene, which would confirm the fears of this nation's Founding Fathers.

³²² "Law Enforcement - Governor's Office of Crime Control & Prevention in Maryland," accessed July 9, 2015, <http://www.goccp.maryland.gov/msac/law-enforcement.php>.

³²³ "Emerging Use of Force Issues—Balancing Public and Officer Safety."

B. FUTURE RESEARCH

A number of issues related to police militarization were beyond the scope of this project but need to be addressed to develop sensible reform to police militarization policies. The first is the role of economics in militarization. Some evidence suggests law enforcement has created an artificial need for military style weapons and equipment to take advantage of federal surplus programs, such as the DOD 1033 Program. The argument is that police agencies are pressured to use the equipment, even when unnecessary to justify additional requests. Understanding the effect of diminishing budgets on the acquisition of surplus and grant funded equipment is critical to implementing police militarization reforms.

A second issue that would benefit from additional research is the effect of militarized policing on the public. Much of the existing literature on the subject refers to the negative effect of police militarization on society, but offers little statistical or empirical data to support these claims. Rather, many authors justify this position by referring to incidents in which someone was injured or killed because of militarized police action. Additionally, high profile incidents involving a militarized policing presence often garner negative attention. Typical examples of this type of police activity include manhunts and responses to incidents of civil disturbance. However, it is unclear whether that negative attention is due to police militarization, or a reaction to the event which precipitated law enforcement's response. Understanding the actual cause of the public's perception of the police response during these incidents would be of great value as the police militarization debate continues.

Third, a need exists to develop a more effective approach to how law enforcement maintains the response capabilities typical of militarized policing. For instance, a tremendous amount of duplicative capabilities appears to occur within law enforcement. According to a 1996 survey by Peter Kraska, 89.4 percent of police agencies with a population of at least 50,000 had a paramilitary

police unit, aka SWAT team.³²⁴ According to the National Review, by 2005, approximately 80 percent of towns with a population between 25,000 and 50,000 had SWAT capability.³²⁵ Research is needed to determine if some of these cities and towns that have varying levels of SWAT capability also have access to either regional or state SWAT resources. This information would be valuable in determining the appropriate level of response capability each police agency needs. Maintaining only the level of capability that is necessary would be a tremendous cost saving measure and help reduce the chance that a jurisdiction could become over militarized.

Finally, a number of controversial incidents in the last few years have involved allegations of excessive force by police officers and/or incidents in which a seemingly innocuous encounter between the public and the police escalated inappropriately. The concepts presented in Chapter IV regarding social identity and socially constructed reality can be applied to many aspects of policing and appear to have value in addressing these serious public safety concerns. Understanding these concepts and their effect on the interaction between law enforcement and the community is critical to implementing meaningful police reform.

³²⁴ Kraska and Kappeler, "Militarizing American Police," 6.

³²⁵ John Fund, "The United States of SWAT?," *National Review Online*, April 18, 2014, <http://www.nationalreview.com/article/376053/united-states-swat-john-fund>.

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